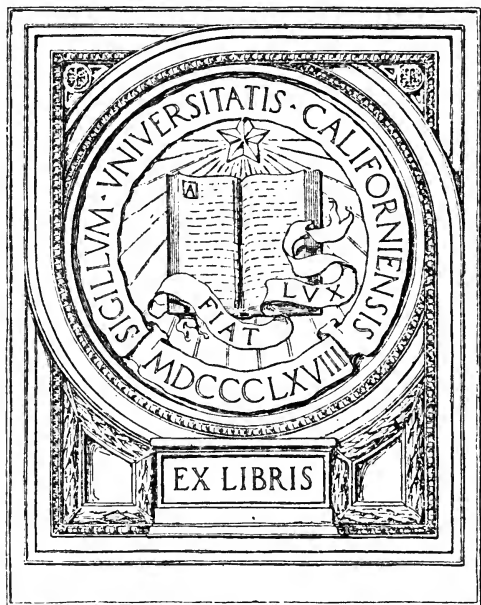




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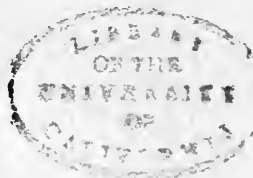
JANUARY, 1919

# Smith College Studies in History

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JOHN SPENCER BASSETT  
SIDNEY BRADSHAW FAY

*Editors*



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IN THE TIME OF SIR JOHN ELIOT—THREE STUDIES  
IN ENGLISH HISTORY OF THE SEVENTEENTH  
CENTURY

*By* MARY BREESE FULLER

Associate Professor of History in Smith College

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NORTHAMPTON, MASS.

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JOHN SPENCER BASSETT

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EDITORS

THE SMITH COLLEGE STUDIES IN HISTORY is published quarterly, in October, January, April and July, by the Department of History of Smith College. The subscription price is seventy-five cents for single numbers, two dollars for the year. Subscriptions and requests for exchanges should be addressed to Professor SIDNEY B. FAY, Northampton, Mass.

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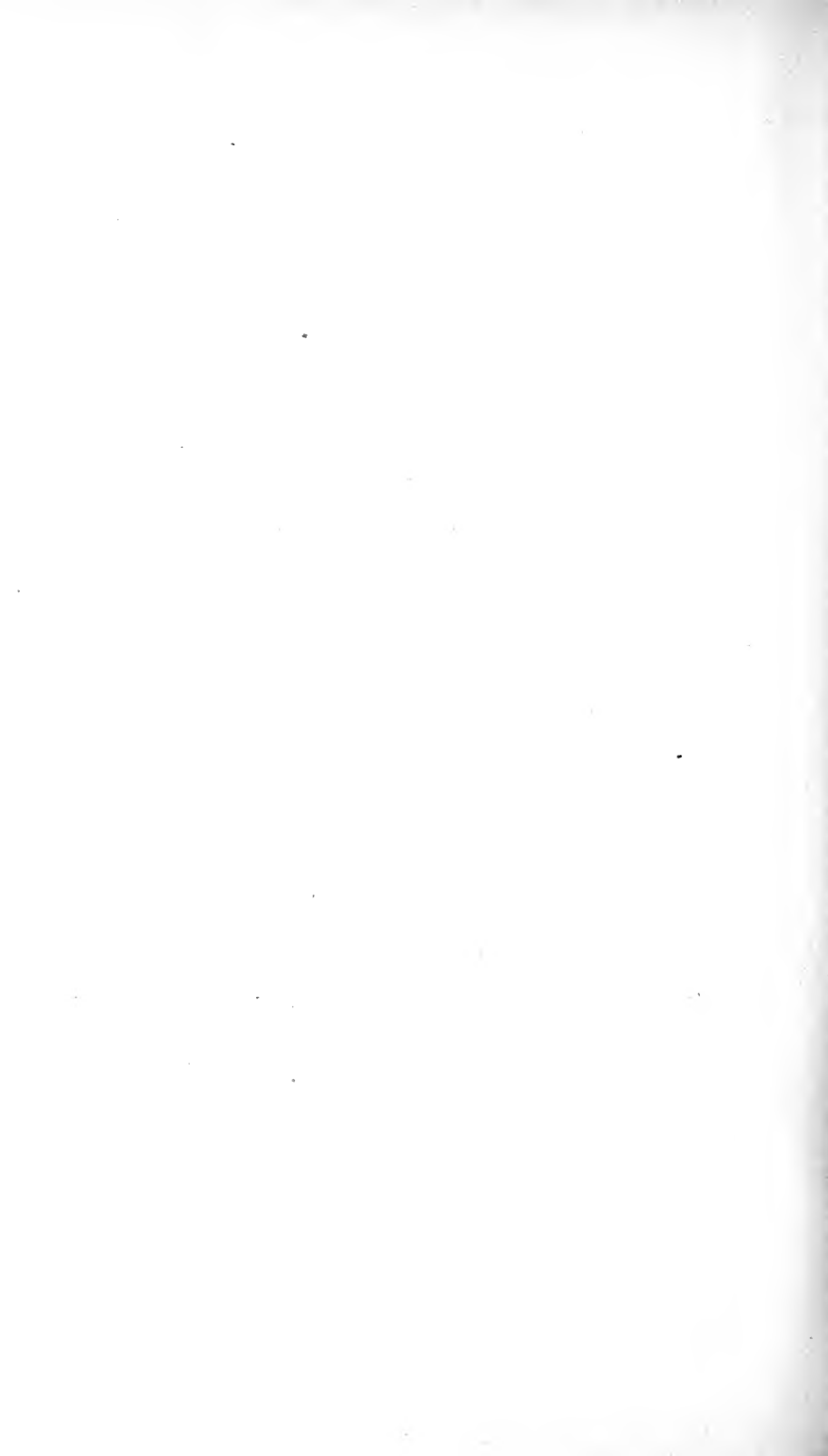
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## Preface

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For hints in regard to sources for the first of these studies I am indebted to Mr. R. G. Marsden, of London, the author of "The High Court of Admiralty" and other writings on naval history. Mr. Marsden was also kind enough to point out to me certain mistakes in numbering in the Record Office Calendar of the Admiralty Court papers and therefore to facilitate the accuracy of the transcript work done for me there by Miss E. Salisbury.

The chronological gap between the second and third studies is due to the impossibility of my obtaining at the present time satisfactory evidence from any original sources concerning the French marriage treaties of 1624. Certain comments which might be suggested by Eliot's narrative in the *Negotium Posterorum* are also withheld until more research in regard to those treaties can be made. Professor Gardiner's accounts of these negotiations do not seem to me clear or well founded.

November 20, 1918.

M. B. F.



# In the Time of Sir John Eliot: Three Studies in English History of the Seventeenth Century

## I

### SIR JOHN ELIOT AND JOHN NUTT, THE PIRATE

In the year 1622<sup>1</sup> Sir John Eliot received his title of office as Vice Admiral of Devon under Buckingham as Lord High Admiral. The office had grown out of the two offices of "keeper of the coast" of Henry III's time and of the Lancastrian "conservator of truces"<sup>2</sup>. The holders of these earlier offices were merely shifting deputies of the Lord High Admiral with little individual responsibility. Henry VIII, however, among his other reforms of naval procedure, instituted for this place a permanent official of social rank and prestige, usually a county gentleman. His title was Vice Admiral and his business was to levy seamen, to inspect ships going to and coming from the harbors, to exact bonds and to look after prizes. The Vice Admiral got in return for this office a certain amount of wreck and salvage money, usually about one-tenth of each prize, part of which it was customary to tender to the Lord High Admiral. The Vice Admiral was rare, however, who, under stress of continual temptation, did not add to this acknowledged toll a fringe of less lawful receipts.

The first record we have of Eliot tugging in the harness of office is a letter to the Privy Council in April, 1623,<sup>3</sup> in which he complains of the scarcity of seamen for impressment, "many" he says "having gone to Newfoundland." Newfoundland or Avalon, was exciting popular interest just at this time. Discovered by Cabot in 1497, colonized by Whitbourne, Vaughan, Mason and most recently by Wynne, an agent of Sir George

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<sup>1</sup> R. G. Marsden, *Eng. Hist. Review*, XXIII, 741.

<sup>2</sup> Oppenheim, *Victoria County History*, Devon, 486.

<sup>3</sup> S. P. Dom., James I, CXL, 42.

Calvert, it was an alluring bait to adventurers who were not yet aware of its bleakness but were already getting profits from the fish in its waters.<sup>4</sup> The impressment trouble, however, was soon overshadowed by a larger woe, the struggle with the famous pirate, Captain John Nutt. Correspondence about this affair looms large in the state papers of the remainder of the spring and summer of 1623.

Piracy in the later sixteenth and early seventeenth centuries was a name applied to many types of naval adventure. The legitimate enemy from Spain was called a pirate. A neutral ship carrying an enemy's goods was a pirate. An English sailor like Hawkins or Mainwaring who brought gold and glory to the king on one voyage and plundered the English coast on the next voyage was also a pirate. While, of course, the "heathen Turk" with a cutlass from Algiers or Morocco was a chief example and flaunter of piracy. Piracy was the plague especially of the western coasts afflicted with constant attacks of each of these types of plunderers. "Sixty men, women and children were taken off a church in Mont's Bay at one time."<sup>5</sup> Ships were advised to consort with each other for protection. A suit of 1617 condemns the master "of Jonas (a merchant ship) for not keeping company with 'Abigail', 'True Love', and six other ships, whereby two were captured by Turks and lost."<sup>6</sup>

Though the coast dwellers feared these marauders they often joined hands with the pirates of "Christian kind". Mainwaring, a "gentleman pirate", as he called himself, whose life very nearly coincided with that of Eliot, tells in his essay, "A Discourse of Pirates", of the recruits that he gained from the home shore, of the food and refreshment eagerly ready for him wherever he might land.<sup>7</sup> In 1631 Captain Plumleigh wrote to Sir John Coke about the pirates in the Irish Sea: "An Irish Harbor was one of their strongholds. Mr. Cormat, a confeder-

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<sup>4</sup> John Mason, *Discourse on Newfoundland*; Prince Society, 1887, p. 131. Whitbourne, *A Discovery of Newfoundland*, London, 1620.

<sup>5</sup> *Vict. Co. Hist.*, Devon, 481.

<sup>6</sup> R. G. Marsden, *Trans. Royal Hist. Soc.*, XVI, 82.

<sup>7</sup> *United Service Mag.* New Ser., XL, 137.



ate, though a man of fortune in that kingdom, received and supported these people in the harbor of Broadhaven."<sup>8</sup>

According to Mainwaring, not only subjects but many sovereigns in Europe danced to the piping of the pirates. He boasts of his pardons from Dukes of Medina, of Sidon and of Florence and says "The Dey of Tunis swore by his beard that if I would stay with him he would divide his estate with me." Allowance must be made for Mainwaring's imagination as for the imagination of Captain John Smith. But at the same time that the English government was fitting out Monson's expedition against Algerian pirates in 1620 it was issuing one pardon after another to English depredators of the coast. Mainwaring himself was pardoned, knighted and made lieutenant to the Warden of the Five Ports and Governor of Dover Castle between 1617 and 1620. He signs himself at the end of his essay "Your Majesty's new creature."<sup>9</sup> The trouble which he gave to the government lingered on after he made his confession. Hill wrote to Brereton in 1623: "Mainwaring, when he was a pirate plundered a French ship, under value of £1000, restitution for which having been vainly sought the King of France has issued letters of reprisal for £15,000."<sup>10</sup> As in the case which we shall take up in detail, these gentlemen pirates were often confident of support from the highest officials of the king's council. Oppenheim says: "Their friends, agents, informants and customers were to be found in every class of society."<sup>11</sup>

When Eliot took his office of Vice Admiral, the technical jurisdiction over pirates captured along shore was in the hands of the common law courts, where it had been put in 1526. This arrangement left to the admiralty court judgment only over cases dealing with the pirate caught on the open sea. Nevertheless the line between the admiralty court cases and the common court cases seems to have been very wavering; the functions of the

<sup>8</sup> G. Berkley, *Naval Hist. of Britain*, London, 1757, 463.

<sup>9</sup> *Discourse of Pirates*, 137.

<sup>10</sup> *S. P. Dom.*, 1619-1623, CLX, 2.

<sup>11</sup> *Vict. Co. Hist.*, Devon, 489.

admiralty court were particularly irregular, "fluctuating with the growth and development of the law."<sup>12</sup> And always the admiralty court had been under close direction and supervision of the Privy Council. This fact, combined with the complications arising from the pirates being often in this period of exploration and discovery a help rather than a hindrance to the state, caused in all important trials of pirates an emphasis of the judicial functions of the Privy Council and Star Chamber. Appeals in behalf of the pirate in such cases were constantly handed up from the juries of the shires. And the Vice Admiral evidently leaned hard on the same right of appeal to the sustaining power of a higher authority in conflicts of his authority with that of mayor or sheriff.

Such was the legal situation when Eliot in the course of his duties as guardian of part of the southwest coast fell foul of Nutt. The struggle which he underwent in the Nutt case against injustice in high cases was a prologue to his fight in later years against Buckingham.

Captain John Nutt, according to his own statement during examination before the admiralty court, came from Limpston in Devonshire and had then been a pirate for nearly two years.<sup>13</sup> Fuller, in his "Worthies",<sup>14</sup> states that Nutt had helped an English ship bound for Newfoundland when attacked by French cruisers but near the island he backslid. "In August Laste Paste was twelve months this examinate entered into and began the unlawful course of taking ships and goods piratically." The details of this backsliding in the Newfoundland waters are given in a letter of Thomas Spurwaie, the Mayor of Dartmouth, to the Privy Council on June 12th, 1623<sup>15</sup> as follows:

"May it please your Lord<sup>hps</sup> to understand that about two yeares since on John Nutt, an English man, beinge placed

<sup>12</sup> E. S. Roscoe, *Law Rev. and Mag. Ser.* 5, XXIV-XXV, 153.

<sup>13</sup> High Court Admiralty Papers, Oyer and Terminer Ser. 1-49, 9 Jul., 1623. This series deals with criminal cases tried by judges on circuit, holding a special commission from the king for such trials.

<sup>14</sup> III, 418.

<sup>15</sup> S. P. Dom., James I, CXLVI, 63.

gunner in a shipp of this Harborough bound for the Newfoundland Where being a Rived in the time of Fishing he gott to him selfe other Wicked and ill disposed P<sup>sons</sup>, and entered a French shipp Which hee posest, and With her tooke by subiltie a Shipp of Plymouth of good force by which he there committed many outrages and greate spoyle upon poore fisher men, sithence which time he possest him selfe with a Flemishe shipp about the burthen of 140 Tonnes, In Which shipp he latly cam att ancor in a place called Tor baye neare this Harbour in hope of a pardon Which he assayed With some Gentelmen to P<sup>cure</sup>, after some assurance hereof (as it seemes) ranged againe the Coast Where formerly he had robbed maney of our nation and tooke a shippe of Colchester."

Spurwaie's story about the ravages of Nutt is confirmed by the news in another letter from a ship's master, Thomas Fownes, in the employ of a Bristol merchant, Richard Holworthy.<sup>16</sup> Fownes says: "I would entreat you that if you maye laye houlde of him, that you woulde a rest him for Fifteene hundred pound in losse. that I have by him, by the meanes of tackeing my shipp in the Newfoundland I wish I hadd a thowsand for it, I will asshure you I am soe muche the wourse for him; he hath siouce pece of ordnance of myne now in the shipp; fower minniones a bout 18c a pece; and two minnions a bout 15c a pece; he toocke my shipp in the midst of there fishing, and toocke all there salt: and all there vittells from them; and toocke a waye a Cabell and a hawser w<sup>th</sup> three barrells of powder, and all other munition and provitiones, and afterward turned a waye the shipp, leaving them noe vittells to bring them home and left my master and companey in the Newfoundland with ane ould Portingalle shipp, and my man hath bine trubbled in Lawe for that shipp in Portingall; and it hath cost me 200 li to buye my peace from the Portingalls soe that I hadd a duble losse by that vellon Nutt; I praye you doe your best to helpe mee to Recover my losse from him as well as your own, if you maye

<sup>16</sup> H. C. A. Miscellaneous Bundle, 857. Plymouth, 19th May, 1623.

tacke him in hulland or in any other place; and I will doe the licke for you if I maye aprehend him, in these parts."

This same letter has as its main object complaint of Nutt's attacks on Holworthy's own ships off the coast of Devonshire. It is worth quoting further for its vivid style, for its amusing mixture of piety and anger, as well as for its characterization of Nutt.

"I am sorrey that I have noe better newes for to send this Messenger unto you; the barcke that should have brought your skines and Tallowe unto mee, came in yesterdaye in the Morning; whoe was tacken one fraydaye laste at the Lands end, being the 16<sup>th</sup> of this present, by Nutt the Pirate, whoe toocke away all your goods, both tallowe and skines, and allsoe toocke from the young man that you sent suche clothes as hee hadd, and some money and lickewyse the moste parte of suche clothes, as the companey hadd, he is a Merciles vellon, and hath a crew of wicked vellones with him, that feares Neither god nor man; hee brocke upe all your letters, and there did see that the goods was but consigned unto mee, and that it was your goods, the master and the younge man intreating him verely muche to leave the goods; I hope you will macke the best use of it, Acknowledging that nothing comes to passe, but by gods providence, and therefore that it hath plesed the Lord to suffer him, to bee ane instrument to correct bothe you and mee, but in the end he shalle not escape gods fearful Judgments to falle uppon him, without hee speedely repent, and macke satisfaction; for my parte I am a thousand pounce the wourse for him; and nowe this is a greate losse unto you; but howsoever I am asshured it is fallen upon one that will thainckfully tacke it, is (sic) a love and favor of god towards you, and patiently, to submitt your sellfe under his hand. Whoe cann and will restore it to you again, in a greater measure, if hee see it fitt for you, the master of the barcke and allsoe the younge man that you Imployd; doe Reporte that Nutt will goe for hulland with suche goods as hee hath tacken, and there macke salle of it; he toocke divers shippes and barckes that daye, that your

barcke was taken, and he useth all men verely badly; he came out of Ireland wheare hee trimed his shipp; I thincke the younge man hath written you from what place hee came I doe verely believe that either hee will goe for hulland or for some parte of Ireland againe, but I rather thincke he will goe for hulland and therefore I thincke it fitt that you should write unto some friend at Amsterdam that if hee com theather, or thereaboutes: that they would ley houlde one him, and allsoe one your goods. I doubt not, but if hee com theather, and that hee maye bee tacken; that you maye have satisfaction for your goods but you must use all expedition; I praye god he goe for hulland; I am some what doubt full of it."

Another captain of Holworthy's, Richard Betterton, added his tale to that of Fownes, writing from Plymouth the 20th of May.<sup>17</sup> He brings out the fact of Nutt's having a place of refuge in Ireland and, like Fownes, shows the pirate's habit of disposing of his goods in Holland. "Butt nowe wee be in plymouth and all things ill for all o<sup>r</sup> goods is taken from us which grives mee to the hearte wee came from Elly oase the 12th day of may and the 16th day in the morninge all our goods is taken from us bytwene the lands end and mouse holle by Capitaine nutt an English man of warre and all English men When hee came aboard us first we weare in good hope hee would take nothings soe he cald for o<sup>r</sup> Cocketts and o<sup>r</sup> bills of Ladinge & never made mention to take a waye any Thinge tell hee sawe the letter directed to Mr. Fowens then hee bid his men out with it as fast as they could o my good frind Mr. Fowens lookes for my liefie every Day if hee could take mee hee would hang mee and I looke for his goods soe wee told him that the goods was yo<sup>r</sup>s and that it was butt sent to him he bid us bee contente for twas but a folly for us to speake to him for you weare p<sup>a</sup>rtners together and hee would have it all if it weare a thousand pounds worth of good he lyes beetwene the lands End and Mounts bay of and on soe that it is not possible for none to scape him they ses all they will lade their shippe with goods ther and then

<sup>17</sup> H. C. A. Miscellaneous Bundle, 857. 20th May, 1623.

they will goe for Holland and make sale of the goods when wee weare taken hee had 4 prices under hand be sides us hee hath taken sixtene saille small and great already not ells havinge to writte you at this time I leave you to the Protection of the Almighty god I end.

Before ever wee knewe what hee was Hee shotte at us and had stroke us if it had not bin for a cuntry man of the Master of our barcke, w<sup>ch</sup> was taken to days before us knew the barke and bag upon his knees hee should not hitt us all that Mr. tip-pett and I had a board the barke they tooke it away cleane savinge our bedinge and a fewe old clothes hee washt and trimd his shippe in Longe Iland in Erland and came ther hence not longe a gone hee hath 16 peces of Ordinance mounted & a great many in the hould."

Holworthy's own deposition of June 23<sup>18</sup> repeats the statements made by these shipmasters, Fownes and Betterton. He adds: "Further he deposeth that the said Nutt on saturday last past in the afternone being brought to whit hall to mak his appearance, he did then . . . . voluntarily confes befor . . . . Lock the chief clarke belonging to S<sup>r</sup> William Becher whoe tock his appearance. that he did take away all the aforsaid goods out of the aforsaid bark as above said. & that he did carry the same for Dartmouth where he did delever the possession therof to the Viz Admiral (eexcepting about 5 or 6 bundles of the said Calfskins) Sir John Elyot."

These letters as well as testimony from navy captains in later years show clearly that Nutt was one of the generals of his kind, daring, resourceful and able to keep under his control a number of consorts with which he terrorized the coasts of England and Ireland.

With complaints there came also to the authorities requests for the privilege of capturing Nutt. In the state papers is a

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<sup>18</sup> H. C. A. Miscellaneous, Bundle 857; Deposition of Richard Holworthy.

letter of Best written on June 3, 1623,<sup>19</sup> where he says, when telling of a farther attack of Nutt: "my great desire is to be employed one moneth to goe seeke him, w<sup>ch</sup> if it seeme good to you to procure from his Mat<sup>ie</sup> (under correction) I thinke you should doe god good service w<sup>th</sup> much Ho: to the Kinge, besides the gaine of many prayers to, and for yo<sup>r</sup> selves. If I may be employed to seeke Nutt, I shall not doubt soone to finde him if not departed the coaste before my cominge thither."

We have no record of Best's endeavors but Eliot was certainly laying his plans to capture Nutt. In the case of these gentlemen pirates who served two masters it was apparently the custom for King and Council to grant pardons for set periods of time so that the strain of being "His Majesty's new creature" was frequently not permanent. Before Eliot's contact with Nutt the pirate had twice received official pardons granting immunity from arrest.<sup>20</sup> Nutt's latest pardon had expired for nearly a month when the news in the letter already quoted and other complaints of the same sort came to the King and to Eliot.

At the time when these complaints about Nutt came up to the Privy Council its chief secretaries were Sir George Calvert and Edward Conway. As Calvert was much occupied with private schemes of commerce and colonization most of the direction of judicial business fell to Conway. Buckingham, Lord High Admiral, Eliot's immediate chief and therefore his natural supporter, was out of England from February until September on his famous and foolish expedition with Prince Charles seeking the hand of the Infanta of Spain. Therefore when at last the council felt obliged to bestir itself over the situation on the western coasts it was Conway who wrote to Eliot. The letter, dated June 12th,<sup>21</sup> was a cautious one. After stating that

<sup>19</sup> S. P. Dom., James I, Vol. CXLV, 70, 10, 3d June, 1623 (Thomas Best was the hero of the fight with the Portugese off Surat in 1612 and the Senior Naval Officer in the Downs when the fleet went to bring Charles back from Spain.)

<sup>20</sup> Forster, *Life of Sir John Eliot*, I, 45.

<sup>21</sup> S. P. Dom., James I, CXLVI, No. 62.

news had come to the council of Nutt's "many insolent and brutish Pyracies" and that "this Pyrat hath a wife and children near Exeter" Conway says that it is the commandment of the King "that you imploy your best dilligence, care and discretion to apprehend this Pyrat but it will be very important that the directions you give herein bee carried with as much secrecie as possibly can bee". He adds that notice is to be taken of such sea-faring men as come ashore "and stay made of any that are suspicious without naming Nutt." Conway mentions Eliot's "discretion, experience and knowledge of the country," but evidently has not yet realized the Vice-Admiral's initiative.

This letter of Conway's apparently crossed one which Eliot sent to the Commissioners on June 10th<sup>22</sup> in which he writes "(Nutt) has upon the knowledge of a pardon which his Majestie has been pleased to grant him submitted himself and brought his ship into the harbour of Dartmouth." Eliot states: "The pardon is of the first of February, with extension for some Liberty for notice, which it seems he mett not until now. ther was three months onlie prefixt, since which time he has committed many Depredations and spoils." Eliot asked for "direction or commands", showing real hesitation and indecision. Referring to the pardon granted Nutt he says: "the Majestie's intention: but as something too high I must fly to your Lordship's favors for construction which I most humbly crave. my Desires strive to avoid the Dangers of an ignorance & (as they would not contest his Majestie's pleasure, soe) to be held free of neglect in my place." The reader of this letter, knowing the outcome of this arrest and its consequences for Eliot, wonders if the Vice-Admiral himself was aware of the peculiar danger he was running in doing his duty as he saw it. This letter of June 10 referred to another—"since my last advertisement to your honors of Captain Nutt," a letter which apparently is not to be found. Conway makes no reference to it in his letter to Eliot of June 12th, quoted above, so it may not have reached him.

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<sup>22</sup> S. P. Dom., James I, CXLVI, No. 52.



The vagueness of the letter of June 12th about details is supplemented by Eliot's more exact information to Conway on June 16th.<sup>23</sup> Having had no answer from the Council with instructions about the disposal of his "Pyrat" but having received Conway's letter of the 12th he proceeded to carry out a plan the initiative of which had been furnished by Nutt himself.<sup>24</sup> In the early weeks of May when Nutt was hanging about Torbay he had sent word by "one Vittry" to Eliot's deputies, Randall and Norber, to come aboard his man-of-war, that he might talk with them about Eliot's getting him a pardon. In lordly fashion he added "for if he could not have it heere he told them it was Pcured in holland" and in accordance with the usage of the pirate day "farther sayd that he would give two hundred and fifty pounds or three hundred pounds in reddey money for the pcuring of his pardon."<sup>25</sup>

This was Eliot's opportunity. He determined to use a trick. He would give Nutt his pardon, but it was a pardon which had legally expired. Somehow a copy of such a pardon had fallen into Eliot's hands. A correspondence began between the Vice-Admiral and the pirate.<sup>26</sup> Nutt was suspicious of some ruse and refused to come on shore to meet Eliot. According to Eliot,<sup>27</sup> three or four weeks went by between the preliminary request of Nutt for a pardon and Eliot's finally getting him to accept it. In the meantime Nutt went on plundering, a fact to be taken into account in judging Eliot's ethics. At last, since Nutt would not go on shore to meet Eliot, Eliot went on board ship to meet Nutt. They chattered together over a flask of wine in the pirate's own cabin. Nutt finally decided to accept the pardon and to pay Eliot as fine five hundred instead of three hundred pounds. This money, according to the usual custom, was to go partly to the Vice-Admiral, partly to the Lord High

<sup>23</sup> S. P. Dom., James I, CXLVI, No. 107.

<sup>24</sup> Examination of Eliot, 24 July. S. P. Dom., James I, Vol. CXLIX, No. 45, III.

<sup>25</sup> Examination of Norber, 9 August, 1623, H. C. A., Mis. Bundle, 857.

<sup>26</sup> Examination of Eliot. Eliot to Conway, S. P. Dom., June 16.

<sup>27</sup> *Ibid.*

Admiral. Already Nutt had given to the deputies of Eliot six packs of calf-skins—stolen from the Bristol merchant, Holworthy—for the Vice-Admiral and four pieces of baize for themselves.<sup>28</sup>

In the middle of the conclave between Eliot and Nutt the captain of a Colchester ship came to the cabin door where they were drinking "and," as Eliot said, "petitioned (on his knees) for his ship and goods where it was not in the power of this examineste to do him any good nor Durst he earnestly importune at that tyme on his behalf; for that at his firste comeinge on board when he understood that the shippe was Englishe, usinge some words special to persuade Nutt to quitt her in respecte the Kinge had now granted him a pardon, Hee the said Nutt presently fell into a passion and vowed not to accepte the pardon but upon condition to enjoy what hee had, neither doth hee beleve that there passed a word betweene him and the man that knelte as aforesaid."<sup>29</sup> About the injury of the unhappy Colchester captain Eliot said in his examination that he knew only by hearsay that the merchandise and men had been "beaten out" of the ship.

Suave and reassuring as Eliot seems to have been in this interview, catering to the mood of the pirate, suspicion of some trick still hovered in the consciousness of Nutt, shown by his reluctance to come ashore. Finally, however, he brought his ship into the harbour of Dartmouth, was arrested, ship and crew, with the Colchester prize tacked on.<sup>30</sup> Spurwaie, the Mayor of Dartmouth, was an interested spectator of Eliot's capture of Nutt, and in the letter to the Privy Council already quoted<sup>31</sup> about Nutt, the adventurer, sliding into Nutt, the pirate, describes Nutt's blatant behavior on landing before ar-

<sup>28</sup> *Ibid.* Examination of Norber.

<sup>29</sup> Eliot's examination. Nutt at his trial denied that he took the Colchester ship until later. H. C. A., Oyer and Terminer Series, 1-49, July, 1623.

<sup>30</sup> Eliot to Commissioners, 10 June, 1623. S. P. Dom., James I, CXLVI, No. 52.

<sup>31</sup> Spurwaie to Privy Council, 12 June, 1623. S. P. Dom., CXLVI, No. 63.

rest. He took away the clothes from the sailors on the Colchester ship and he and his own crew paraded the quay, wearing the stolen garments! Spurwaie took upon himself the responsibility of putting back these outraged Colchesters on board their ship "in possession of there goodes."<sup>32</sup> Spurwaie in this same informing letter to the council tells how Eliot interrupted a neat plan of twelve "Fleminges who cam scatteringe by land (from Plymouth) to Torbaye of purpose to doe some mischief;" seized a ship from Hamburg in the harbor and were departing to the west with her when Eliot, aided by the wind and forty men of Dartmouth, towed the ship into port and threw the men into prison." When Eliot himself wrote to the council about the capture he added that the corn in the cargo ought to be taken out and used for the poor as it was beginning to spoil while waiting for the owners of the ship to prove their right to her.<sup>33</sup>

In Eliot's own formal report to the council about these events and in the personal letter following to Conway<sup>34</sup> there is an uncertainty of tone, an over-obsequiousness, which implies a fear lest he has gone beyond his authority. He was also meticulously careful about further proceedings with Nutt and his men until he received orders from the council. He stated that the ship was safe without her sails and a guard on board. "But for the persons of the men until I know the extent of his Maties intentions in the pardon whereof I dare not be an interpreter, I thought not fitt to touch them." He wrote repeatedly for these orders and always passed on copies of his letters to Conway. Ten days went by without Eliot's having any acknowledgment from the council. Conway answered on the 20th, how-

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<sup>32</sup> There are two letters relating to the Colchester ship, a complaint to the Council by the Captain of the ship, (S. P. Dom., James I, CXLVII, No. 56) that Eliot stole sugar from them and a petition from the owners of the ship (S. P. Dom., James I, 57) that it be released from sequestration. From these two letters the date of the capture of the ship was evidently June 4, and the next day, June 5, Eliot interviewed Nutt on his ship.

<sup>33</sup> S. P. Dom., CXLVI, No. 65.

<sup>34</sup> S. P. Dom., CXLVI, No. 107.

ever,<sup>35</sup> telling Eliot to put crew and goods in custody and to send up Nutt himself to the council. The letter from the admiralty court finally came, repeating these same instructions. Eliot complied. The crew was put in prison, the "goods" stored awaiting the issue of the trial and Nutt sent to London. Conway in his letter had added his praise to Eliot when the matter was reported at court, for which favor the Vice-Admiral returned profound thanks.<sup>36</sup>

But the actual issue of this original venture in arrest was much more involved and unpleasant for Eliot than a courtly salutation with Majesty. In brief, a month later found Nutt continuing his ravages of the Irish coast under a limitless and unconditional pardon while Eliot himself was in the Marshalsea prison in London. The surface causes of this turning of the tables were brought out during the trials of Nutt, and of Eliot and his deputies in July and early August before the admiralty court. The underlying fundamental cause leaked out later. The whole situation is characteristically illustrative of the government complications in marine affairs during the early seventeenth century.

Eliot was under trial with Nutt before Sir Henry Marten because of two sets of accusations. The first group of accusations came from Nutt and the associates whom he coerced into helping him malign Eliot.<sup>37</sup> They charged the Vice-Admiral with taking more goods from Nutt than were his just perquisites and with inciting Nutt to further piracy while waiting for his pardon to be confirmed.

The second group of accusations came from the mayor of

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<sup>35</sup> Mr. Marsden in his article, *English Prize Jurisdiction and Prize Law in England*, says that the Venetians complain of a curious law of the English in the 17th Century: "If you proceed against the person of a thief you may not proceed against his property" and vice versa. *Eng. Hist. Review*, XX, 243.

<sup>36</sup> Eliot to Conway, June 25. S. P. Dom., CXLVII, No. 58.

<sup>37</sup> There is evidence that Nutt tried with some success to bribe Norber and Randall, Eliot's deputies. Norber states in his deposition that he stayed aboard Nutt's ship for a time after Randall had gone back to Eliot and received from Nutt sugar and sweetmeats beside the regular perquisites sent to the Vice-Admiral. *H. C. A., Mis.*, 857.

Dartmouth and the owners of Nutt's prize, the Colchester ship, with its wools and sugar which Eliot had considered a side issue to be kept in abeyance until Nutt himself had been disposed of. They attacked Eliot for exceeding his authority. The owners of this ship had proved their claim to her and petitioned the council for her restoration.<sup>38</sup> They coupled this petition with a false statement about Eliot's boarding their ship and taking sugar from her.<sup>39</sup> Then Spurwaie, the same mayor of Dartmouth who had praised Eliot to the council for his capture of Nutt and the Hamburg ship, together with his associates in the local admiralty court, wrote to the council that Eliot refused to give up the ship even though the council had so ordered.<sup>40</sup> That Eliot had taken any goods from this prize was easily disproved at the trial both by his deputies and by other witnesses.<sup>41</sup> About the deliverance of the ship to its owners, there was a collision in authority. The order for restoration should have been sent to Eliot instead of to his inferior officers in the province. Moreover, the order sent to the mayor to restore the ship to her owners directly contradicted the order sent Eliot from the council through Conway to hold on to it. However influential in causing the arrest of Eliot, this accusation of the mayor played little part in the trial, and uncertainty in regard to its truth caused it soon to be dropped.

The trial of Eliot took place before the judge of the high court of admiralty, Sir Henry Marten, in London, during July. Randall, Eliot's chief deputy, gave his deposition at this court. Norber, technically Eliot's marshal, was examined in August before Kiste, judge of the admiralty court of Devon. The absurdity of the other group of accusations that Eliot took goods from Nutt for his own use and that he incited Nutt to further piracy was brought out by all the examinees. Even Nutt

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<sup>38</sup> S. P. Dom., James I, CXLVII, No. 57—(no date given).

<sup>39</sup> S. P. Dom., James I, CXLVII, No. 56.

<sup>40</sup> S. P. Dom., CXLVIII, No. 27, July 4th.

<sup>41</sup> H. C. A., I, 49. Examinations of Randall and Norber. "The true facts are well known about Dartmouth." Eliot's examination.

himself denied that Eliot took any goods for personal use.<sup>42</sup> Both Norber and Randal declared it impossible that Eliot should have done either of the things of which he was accused. Norber asserted emphatically that the only money, jewels and goods he received from Nutt before the final capture of his ship were the six packs of calve skins and the four pieces of baize sent to Eliot when the deputies went on board to treat. Norber scrupulously adds that "at his first being aboard the sd Nutt after his coming into Torbay he had from the sd Nutt a little loafe of sugar contayning about 2 pounds & halfe, & one little barrell of suckett (a conserve) contayning about 2 pounds but more or other goods this exam<sup>t</sup> never received neither did know that any other did receive any of the sd Nutt only excepting one loafe of sugar wch the sd Nutt sent one Henry Lumbly's wife of Dartmouth."<sup>43</sup>

Eliot, of course, in his examination denied both accusations and as we have seen, was exactly supported by Norber's later examination. In regard to seizing the goods Eliot said that he sent word to Mr. Kiste about those six packs of calve-skins taken "for the Lord Admiral's use" "and twas publicly known in Dartmouth." As for encouraging Nutt to further piracies, Eliot tells how he urged Nutt's brother-in-law to dissuade the pirate "from those spoils and rapines w<sup>ch</sup> he every day committed upon the coast, w<sup>ch</sup> otherwise would make him incapable of any hope or favour." About urging Nutt to attack some Spanish ships Eliot said the facts were that "w<sup>th</sup> one Mr. Popes and one Mr. Doves Masters of a Fleete of shippes at Dartmouth, of Twenty or 21 saile he went to surprize the said Nutt

<sup>42</sup> H. C. O. and T. Series, 1/49. Examination of Nutt, 9 July, 1623.

<sup>43</sup> H. C. Mis. Bundle, 857. Examination of Norber, 9 August, 1623. Forster (*Life of Eliot*, I, 60-67) in his account of the trial has evidently not seen Norber's deposition, while parts of Nutt's and of Randall's depositions referred to by Forster are not to be found. The examinations of Nutt and of Randall, identical in the Admiralty records and in the state papers (S. P. Dom., James I, CXIX, No. 45. I and II) are apparently now incomplete.

in Torbay.”<sup>44</sup> This plan was frustrated only because Nutt was chased away by a Dutch man-of-war.

The evidence would seem to make the result of the trial a foregone conclusion. But though the judge, Marten, sent up the evidence of the witnesses first to the council, then to Conway,<sup>45</sup> in a summarized form ready for such conclusion, he refused to conclude. That is, he preserved an almost wholly non-committal attitude. In his letter to Conway, he hedged by saying that he had rather give his observations before the king, personally, and the whole Council, not only about Eliot, “but about all others in the like place wthin the Kingdom.” This acknowledgement he finally made: “I must doe Sr John Eliot this right to say, this bringing in of Nutt was factum bonum, yf not bene: For thoughe Nutt did sollicite for his pardon and offered thereuppon to come in, yet hee ceased not to pillage and comitte outrage uppon all the vessells hee coulde meete and master untill the day wherein Sr John Elliott did gull him wth the shewe of an exemplification of a pardon out of date.”<sup>46</sup>

As the substance of his report Marten urged the release of Eliot until the Lord High Admiral came back from Spain, “yf hee bee cautelously bayled”; but he urged this release not on the ground of justice to Eliot but only on the ground of the neglect of the King’s business under the charge of the Vice-Admiral if the Vice-Admiral and his deputies were shut away from their responsibilities. He detailed elaborately the various sides of this neglect: Ships and goods may perish or vanish; the time of year is one of greatest business; Nutt’s 23 men “doe soe pester the Prison that they feare an infection” and the Vice-Admiral ought to be there to get them out, judge them, and hang them. This letter of Marten to Conway is shadowed by a weak subservience and evident fear of offence. Beside the shuffling about a definite decision in the case, he said he had sent a copy of this letter to Calvert; and he filled a long para-

<sup>44</sup> S. P. Dom., James I, CXLIX, No. 45, III. Examination of Eliot. 24 July 1623.

<sup>45</sup> *Ibid.*, 25 July, 1623.

<sup>46</sup> *Ibid.*, CL, 23, 4 August, 1623.

graph with thankfulness that after all the King had not withheld the sign of his favor and had given him his annual buck!

Marten's advice was not heeded. Eliot remained in prison, baffled in his attempt to get a meeting of the council to hear his case. Neither in Marten's reports nor in other evidence is the real reason of this injustice brought out. A very spirited letter from Eliot to Conway written on the same day that Marten wrote to Conway finally gives the real clue. After defending his taking the £500 for the pardon—and the six packs of calveskins as the customary concessions to the admiralty—and after telling of the return of the latter to the Bristol owners, Eliot says: "the originall cause of the distast conceivd against me is (if I fail not much) my diligence in getting that exemplification. It seems the pardon was at first procured by M<sup>r</sup>. Secretarie Calvert who may suppose him self therein crost by me; but my ignorance may be my apologie, for w<sup>ch</sup> I have already protested both to M<sup>r</sup> Secretarie in privat, & before the Lords at Counsell table, wher that pointe was urg'd, whether I knew not that the pardon had been procur'd by M<sup>r</sup> Secretarie, w<sup>ch</sup> I trulie excused, & findeinge itt out of date, was soe farr from seeking that, as I imagined not ther had a thought hid under itt."<sup>47</sup> Eliot's surmise was strengthened by a letter from Calvert to Conway on August 11th, asking for the release of Nutt from prison. "The poore man is able to doe the king service if he were employed, and I doe assure myselfe he doth soe detest his former course of life as he will never enter into it againe. I have been at charge already of one Pardon, and am contented to be at as much more for this, if his Ma<sup>ty</sup> will be graciously pleased to graunt it. Wherein I have no other end but to be gratefull to a poore man that hath been ready to doe mee and my associate courtesies in a Plantacon w<sup>ch</sup> we have begunne in Newfoundland, by defending us from others w<sup>ch</sup> perhapps in the infancy of that work might have done us wronge."<sup>48</sup>

The case was then one of two opposite view-points. To

<sup>47</sup> S. P. Dom., James I, CL, No. 23, 4 August, 1623.

<sup>48</sup> S. P. Dom., James I, CL, No. 82.



Eliot Nutt was "a malicious assassin," as to Fownes "a merciless Vellon." To Calvert he was a daring and useful pioneer in new enterprises. The temperament and ideals of Eliot were in all things opposed to the temperament and ideals of Calvert. Calvert was intimate with Gondomar, the astute Spanish ambassador. He had already aroused public indignation by his partiality toward Spain and by exporting to Spain a hundred guns, manufactured in England, at a time when parliament had declared against exporting any munitions.<sup>49</sup> Eliot's sentiments toward Gondomar and Spain were most hostile.

Calvert was keenly interested in commerce and colonization. He was a shrewd man, fathering schemes dealing not only with guns bound for Spain but with a profitable exportation of raw silk from France, with fisheries and a plantation in Newfoundland and presently a plantation in Maryland. Eliot was little interested in such schemes and unable to appreciate the value of the new plantations.

Calvert was on the point of declaring himself a Roman Catholic and was trying to get the penal laws for Catholics lightened.<sup>50</sup> Eliot, on the other hand, was one of the first in the ensuing parliament to demand greater insistence on the enforcement of the recusancy laws against Catholics. It is easy to understand that to Calvert the assistance of Nutt in a new and exciting enterprise across the sea, promising value to king and government, far outweighed the harm he had done by petty depredations along the Irish and English coasts. The secretary was irritated especially at Eliot's trick in taking Nutt, because, as has been mentioned he, Calvert, had obtained that very pardon, asking for the release of "that unlucky fellow." Calvert was aggrieved that Nutt was not warned of the time of the expiration of his pardon, since another pardon could have been at once obtained. In fact the king did grant the pirate one as soon as Calvert asked for it about June 1st. Since, therefore,

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<sup>49</sup> Wilhelm, *Life of Calvert*, Baltimore, 1884, p. 121.

<sup>50</sup> Father Hughes, *History of the Society of Jesus in North America*, I, 178.

all the goods which Nutt took in the time between these pardons have been restored, plead Calvert, why not let him be free? Marten said all restoration had been made "though hee might have made his certificate fuller if it had pleased him and w<sup>th</sup> as good as a conscience also."<sup>51</sup> One now easily understands why poor, cringing Marten had sent his letter about the trial to Calvert as well as to Conway and why his judgment was evasive and inconclusive. Also one sees why that meeting of a full council to which Eliot wished his case appealed did not take place, remembering that Calvert at this time was far more influential with the king than was Conway.

As a result of Calvert's patronage, the outcome for Nutt was a speedy release. There is no record in the admiralty court papers of any indictment of him, although he was kept under the surveillance of commissioners of the court until his pardon was formally signed by the king a month later.<sup>52</sup>

As soon as Nutt was released both Conway and Marten made fresh efforts on Eliot's behalf. They were pricked on by a letter from Aylesbury, the secretary of Buckingham, to whom Conway largely owed his office.<sup>53</sup> Eliot had naturally turned to Aylesbury since the Lord High Admiral was out of the country and reminded him that it was rather a difficult matter to fulfil his responsibilities as Vice-Admiral of Devon when he was shut up in prison in London and that the affairs of the Lord High Admiral "may suffer through some negligence or miscarriage of businesses there." But Calvert was too strong for them and Eliot was not set free until sometime in September. Marten wrote Conway on the failure of their attempts a characteristic letter in which he said: "I am glad I did forbear to deliver my own opinion on the state of his cause least phaps it might have differed somewhat. Well! I pray God this turn not most to the disadvantage of my Lord Admirall!"<sup>54</sup>

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<sup>51</sup> Calvert to Conway, August 11, 1623.

<sup>52</sup> S. P. Dom., James I, CLI, No. 73, also see Vol. 150, No. 90, Conway to Calvert, Aug. 13th, 1623.

<sup>53</sup> *Ibid.*, CXLIX, No. 78, 28 July, 1623.

<sup>54</sup> *Ibid.*, CI, No. 76, Aug. 10th, 1623.

Eliot's own letters to Conway emphasized the same point made by Aylesbury and Marten. That is, they emphasized utility rather than justice. He pleaded the need of his release to attend to the business of the admiralty, "as for the service of my Lo. Admirall, to whom I know y<sup>u</sup> are a frinde. his affaires in the countrie, w<sup>ch</sup> are committed unto my trust, by reason of my suddaine comminge thenc, stand uncertintie, & great charge of ships & goods, wherein my Lo. may sustaine prejudice by my absenc, besides the Loss of all new occurrents, w<sup>ch</sup> I should attend."<sup>55</sup>

But when Conway<sup>56</sup> evidently reproached him a bit beyond patience he flashes out his innocence with much spirit. "Beinge conscious of myne owne freenes in all that can be alleadg'd, I dare not wave my justification, w<sup>ch</sup> were to charge it w<sup>th</sup> the implicite confession of a guilt, wherein I humble praie to be excused." He declared the taking of the goods and the £500 from Nutt "the proper duties of my place." Regardless of Calvert's patronage he vigorously inveighed against Nutt, "& cannot soe-much yet undervalue my integritie, to doubt that the words of a malicious assassine now standinge for his life, shall have reputation equall to the credit of a gentleman. In him I wonder not to finde that baseness, havinge in all things profest himself a villaine, & stain'd his countrie with barbarismes unheard of, seinge himself train'd in by me upon the color of a pardon w<sup>ch</sup> was out of date, & of noe force, & sent up hither w<sup>th</sup> a true relation of his facts that he might be hang'd, malice w<sup>thout</sup> an instigator, were enough to putt him on this revenge."<sup>57</sup>

The righteous indignation of this letter was appeased by Conway, because the next letter of August 18th,<sup>58</sup> was warmly grateful. It was also wistfully discouraged. "I confess myself an unap subiect for anie favor, having it in my Fortunes cast

<sup>55</sup> *Ibid.*, CXLIX, No. 89, Eliot to Conway, 29 July, 1623.

<sup>56</sup> In a letter of August 2, of which there is only this note to be found: "Sr John Eliott. Givinge him an accompt what is donn in his business." S. P. Dom., James I, CCXIV, Conway's Entrybook, p. 69.

<sup>57</sup> S. P. Dom., James I, CL, No. 23, Eliot to Conway, 4 Aug., 1623.

<sup>58</sup> S. P. Dom., James I, CLI, No. 9.

to be unhappie, from whence aher reflect soe manie difficulties on my best hopes, that my desires are become troublesome." There had been a meeting of the council at last but only to baffle Eliot. "Opon y<sup>r</sup> Honors direction I prepar'd my self to instance the Lords for my discharge, & had an opportunitie of their meeting, w<sup>ch</sup> gave me hope; but therein was prevented by some other business intervenient, w<sup>ch</sup> suff'ed me not either to be called, or heard. In these bad successes I must now submitt to a long expectation, shadowing my innocenc under the protection of your iudgment." He became thus stoically resigned, while humanly comforted by faith in Conway's understanding.

Eliot's resignation was far from apathy, however, especially as regards his responsibilities. In his letter to Conway of August 18th he referred to having been a disturbance "in the thought of those businesses which concerned me." That he kept a tight hand on his deputies is shown by a letter from Nutt to the council toward the middle of September, complaining that Eliot refused to obey their order of the 18th to pay 100 pounds to Nutt or to let his deputies pay it unless he, Eliot, were allowed "to be free to come down to the country."<sup>59</sup> This sturdy allegiance of Eliot's subordinates was possibly stimulated by a visit of Aylesbury to Devon. For Coke wrote to Buckingham on October 17th that he won over Nutt in regard to the goods because in spite of the note to the admiralty on August 10th, that Nutt was to have all his ships and goods except those taken after May 10th, "Captain Nutt has been granted a pardon yet his goods have been forfeited to the Lord Admiral."<sup>60</sup>

Records of Nutt's farther career are not found until nine years later in 1631 and 1632. But he evidently pursued successfully the same merry ways, for Captain Plumleigh writes to Coke on June 14, 1631: "The pirates Nutt and Downs are upon the western coast and have lately been so bold as to put in Cawsand Bay and questionless the country people relieve

<sup>59</sup> Cal. S. P. Dom., James I, CLII, No. 89.

<sup>60</sup> Coke to Buckingham, Oct. 17, 1623. Coke Papers, Hist. Mss. Com., Rep. 12, App. I, 150.

them for gain with whatsoever they want.”<sup>61</sup> Again in 1632 Richard Boyle, the Earl of Cork, wrote to Coke from Dublin, “Captain Nutt, an arch pirate has done much harm on the western coasts. We have made the best preparation we can to withstand any sudden attack.”<sup>62</sup>

Plumleigh again wrote to Coke from Watterford that in an encounter with Nutt his consort was foundered. He put to sea with his ship half mended leaving behind nine of his men “of whom I have two on board of whom I have learned these particulars. Nutt has two Turks with him and one other consort. The Irish are much terrified thinking a fleet to be his which turns out to be honest Flemings.”<sup>63</sup>

Again on November 19 Captain Simon Digby wrote to Coke from on board ship in the Downs: “It is reported that Captain Nutt is taken at the Groine.”<sup>64</sup> The report was false or the taking, as usual, temporary. For our last news of Eliot’s tormentor and Calvert’s friend is yet one year farther on in connection with another high officer of the king. Wentworth was in 1633 the newly appointed Lord Lieutenant of Ireland. He had evidently been criticised for his delay in sailing to take his new command. The reason for this delay is given in two letters to Coke. On June 3 he wrote: “It is madness for me to cross sea without Plumleigh to carry me and my country over in safety. The Pyrate hath already light of two hundred pounds worth of my goods.”<sup>65</sup>

On June 9 he sent the following vigorous aspersion to the lord treasurer: “The Pyrate that lyes before Dublin, took on the 20th of the last month a Bark of Liverpool, with Goods worth 4000 pounds, and amongst them as much linen as cost me 500 pounds. \* \* \* By my faith this is but a cold welcome they bring me withal to that coast \* \* \* The same Villain set upon a Dutchman on the 19th of the same month and boarded her but

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<sup>61</sup> Coke Papers, 432.

<sup>62</sup> *Ibid.*, 459.

<sup>63</sup> Coke Papers, Oct. 15, 1632, p. 477.

<sup>64</sup> Coke Papers, Oct. 15, 1632, p. 482.

<sup>65</sup> Letters and Papers of Strafford. Wm. Knowler, London, 1739, p. 87.

they defended themselves so well, as having blown up four of his men, the Pirate gave them over; but in revenge he light of anothr Hollander, on the one and twentieth Day, and pursued her so near as enforced them to run on ground, to save themselves within sight of Dublin. The Pirate for all that, gave them not over but in despite of all the help the Lords Justices could give them from the Land, (by sending men to beat him off the shore) entered and riffled the Bark, taking out what they pleased, setting her on Fire, so that there she burnt two Days together, till it came to the Water, and was then all in a Flame, when my cousin Radcliffe writ me that letter to be seen forth in his Majesty's Castle. She was about two hundred pounds in content.

"The loss and misery of this is not so great as the scorn that such a picking Villain as this, should dare do these insolences in the Face of that State, and to pass away without Controul. Yet I beseech your Lordship give me Leave to tell you once for all, that if there be not a more timely and constant Course held hereafter in setting forth the Ships by guarding the Coast there, by the Admiralty here, the money paid for that purpose thence is absolutely cast away; the Farmers of the Customs will be directly undone; and the whole Kingdom grow beggarly and barbarous, for want of Trade and Commerce."<sup>66</sup>

What Wentworth did to secure the "more timely and constant Course" by clearing the sea of pirates; what he did to prevent "the Kingdom from growing beggarly and barbarous" is a matter of later history. That Wentworth hanged Nutt is a matter of surmise; it is not yet a matter of knowledge. For with these letters our record of facts about Nutt ceases.

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<sup>66</sup> Knowler, Strafford Papers, 90.

## II

## JAMES I AND THE PARLIAMENT OF 1621

Eliot's name does not appear in the list of the members of the parliament of 1621. As has been shown in the previous chapter he was absorbed in the affairs of his Vice-Admiralty down in his particular corner of England. But no narrative of his times could omit national affairs of such importance and interest as took place in this parliament. It is a parliament of which there is especially vivid record from a literary point of view, and one which marks out clearly the growing distrust in which its members held the king and his advisors.

The parliament met with a background of grievances, domestic and foreign, which had accumulated during the seven years since the dissolution of the "Addled Parliament" of 1614. The domestic grievances of taxation and religion had grown in number and in power to irritate. James still collected taxes in ways exasperating to his subjects. His methods for raising money without parliament included impositions, monopolies, benevolences of the old Tudor type, and loans from merchants. He also got money from offices and titles "freely sold for a goodly sum" and he collected interest on money lent the Flemish towns by Queen Elizabeth.<sup>1</sup> James said in his opening speech of the first session, "I will not make every day a Christmas,"<sup>2</sup> implying that he was retaining his habit of lavishing money on court and favorites to an extent which angered the people.

As far as religion was concerned, parliament felt that increased favor had been shown to Roman Catholics. Parliament knew that the recusancy laws had been particularly neglected when it came to dealing with foreign priests. It was said that priests could go in and out of their prisons as if the prisons were inns by paying a trifling sum to their jailors. Marked leniency was being shown toward English Roman Catholics—more so than at any time since the Gun Powder Plot. Phillips said,

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<sup>1</sup> Calendar Venetian State Papers, XVI, Introduction, p. xl.

<sup>2</sup> Proceedings and Debates, Oxford, 1766, I, 10.

"Papists dare now at Tables to maintain transubstantiation and they are grown so powerful that their judges dare not receive Indictments against them." Parrett declared, "There was found within these two months a Print where Popish books were printed in the Prison where also they have daily and duly Mass said, to which there resort great store of Papists."<sup>3</sup> The natural tolerance of James was partly responsible for his laxity in regard to the enforcement of the recusancy laws; but popular opinion put his laxity down entirely to the influence of the Spanish Ambassador.

Gondomar, or Sarmiento, the Spanish Ambassador, a most astute and tactful person, had gained and maintained a great ascendancy over the king of England; an ascendancy hateful to the court and people. Those keen and dispassionate observers, the envoys from Venice, in their dispatches home give many pictures of the notorious influence of Gondomar. One of them, Lando, wrote on February 5, 1621, "The crown and sceptre of these realms seem to be in the hands of the Spanish Ambassador absolutely. He is engaged in uprooting all the plants which do not bend to his breath."<sup>4</sup> Again Lando in speaking of a scene in the council room remarked: "In the same day the king gave audience to the Spanish Ambassador and whereas in the morning he spent two hours with his council he now spent three with the Ambassador."<sup>5</sup>

As early as 1614 Gondomar had begun to manage James, not only gaining privileges for the Roman Catholics, but helping to widen the breach between the king and his parliament. James had grumbled to the Spaniard about the parliament, just then dismissed: "The House of Commons is a body without a head. The members give their opinion in a disorderly manner. I am surprised that my ancestors should have ever allowed such an institution to come into existence." Gondomar smoothed down the disgruntled king by reminding him that he could dismiss

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<sup>3</sup> Proceedings and Debates, 1766, I, 24 and 25.

<sup>4</sup> Cal. S. P., Ven., XVI, No. 725.

<sup>5</sup> Cal. S. P., Ven., XVI, No. 679.



parliament when he pleased. "Yes," said James, brightening up, "and what is more, without my consent, the words and acts of the Parliament are altogether useless."<sup>6</sup> D'Ewes said: "He [Gondomar] labored to breed distaste and jealousies in the king under the false and adulterate name of Puritans so to prevent future parliaments."<sup>7</sup> Lando gave as a reason for Gondomar's influence that "although a Spaniard he tries to conform in all things to the taste and inclinations of the king without stiffness."<sup>8</sup> The English writer Wilson brings out the same reason when he tells of Gondomar's fooling with James. "He spoke Latin in merry fits to please the king, saying, he, the king, spoke Latin like a pedant, I like a gentleman."<sup>9</sup>

The feeling in parliament about this "Hispanophile"<sup>10</sup> influence together with its growing resentment is indicated by its action in the Floyd affair. Floyd was an old Catholic gentleman who was reported to have said in regard to the Bohemian revolution of 1618 that he heard that Prague had been taken and that Goodman Palsgrave and Good Wife Palsgrave had taken to their heels and gone away. The rumor followed directly on the news of the whipping to death of an apprentice because of some trifling offence towards Gondomar. The House of Commons pitched on Floyd with primitive rage. Sir Robert Philips said he should be carried from Westminster face to the horse tail; Sir George Moore, that they should whip him back to the Fleet; Seymour, that he should go to the cart's tail with as many lashes as he wore beads; Basil Darcy and Cecil declared that his tongue should be bored through; Horsen, he should have his tongue cut out; Jephson, that he should be whipped as far again as the apprentice was whipped; and Goring said that his nose, ears, and tongue should be cut off and that he should be made to swallow a bead each stage. Sir Edwin Sandys and Goodwin

<sup>6</sup> Gardiner: History of England, 1603-42, II, 251.

<sup>7</sup> Autobiography, 158.

<sup>8</sup> Cal. S. P., Ven., XVI, 218.

<sup>9</sup> Kennett's "Compleat History of England". T. Wilson, I, 626.

<sup>10</sup> "We grow more Hispanophile every day" quoted from a leading courtier. Cal. S. P., Ven., XVI, No. 758.

were the only men in the House raising voice against this welter of brutality. They said it was not wise to punish him so severely for his religion "lest he be canonized" and also that he could not be whipped because he was a gentleman.<sup>11</sup> The mob rage gradually died down; but not before the House of Lords had shared it. The sentence finally executed was the Lords' and was as follows: "That he should be degraded from his Gentility, ride on Monday next from the Fleet to Cheapside on Horseback without a saddle, with his face to the Horse's Tail, and the Tail in his Hand, and there to stand Two Hours in the Pillory and then to be there branded in the Forehead with the letter K:—That on Friday following he shall ride from the 'foresaid Place in the same Manner to Westminster, and there spend Two Hours more in the Pillory with Words in a Paper in his Hat showing his offense:—To pay for a Fine to the king the Sum of Five Thousand Pounds, and to be prisoner in Newgate during his Life."<sup>12</sup>

This incident brings us to the new grievance of foreign affairs. Goodman Palsgrave and Good Wife Palsgrave were of course Frederick and Elizabeth, the son-in-law and daughter of James. Frederick was the Protestant ruler of the Palatinate, who had accepted the throne of Bohemia and been driven from it. We may be pardoned for reviewing the well known background of the international situation in 1621. The 'Thirty Years' War had broken out in Germany, a war both civil and religious. Since the agreement at the Peace of Augsburg, in 1555, each state had followed the religion of its ruler. In many states the religion of the ruler was that of the majority of his subjects. The western and northern states were mostly Protestants, the southern and eastern states Roman Catholic. There was one exception to this rule. Bohemia, largely Protestant, was under the control of Austria, and compelled to put up with the Catholic ruler. But under the Emperor Rudolph, this rule was not heavy. Rudolph, who died in 1609, had made many concessions to the

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<sup>11</sup> Journals of the House of Commons, I, 599-602.

<sup>12</sup> Proceedings and Debates, 1766, II, 107.

Protestants by royal charter and the easy-going Emperor Mathias had confirmed them. When he died in 1612, however, quite a different type of ruler, Ferdinand, King of Austria, was candidate for Emperor. He was under Jesuit influence and a strong Catholic of the house of Hapsburg. All Protestant Europe was anxious and other candidates less bigoted were suggested.

In spite of scheming, Ferdinand gained the election, but Bohemia would have none of him. In 1618, she revolted, threw the Regents of the Emperor out of the window and invited Frederick, the head of the Union of Protestant States, to become its ruler. Frederick, as has already been said, had married Elizabeth, daughter of James. In accepting the throne he went against both the feeling and the judgment of his father-in-law. In James' speech to parliament, December 11, 1621, he said: "This miserable war which has set all Christendom on fire was caused by our son-in-law, his hasty and harsh resolution following evil counsel to take to himself the crown of Bohemia."

Von Male, the Flemish agent in England, had agreed with James and had made the prophecy which gave Frederick the nickname of the "Winter King." "He will last one season only. When spring comes, he will be driven out with a single blow and be deprived of his Crown by a mere puff from the House of Austria." Gondomar also remarked that the Bohemian Crown would be one of thorns rather than one of jewels.<sup>13</sup> These prophecies were fulfilled and the judgment of the old king was confirmed. It is interesting to note that in spite of James' insight and condemnation of Frederick's act, his vanity led him to call a toast to the new Bohemian King in the presence of others "for which his majesty afterwards enjoined profound secrecy."<sup>14</sup> Later in November, another Venetian envoy, Marioni, says "He will not help the Palatinate if the causes do not appear to him entirely reasonable . . . as his son-in-law embarked on this adventure without his consent."<sup>15</sup>

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<sup>13</sup> Cal. S. P., Ven., XVI, No. 133.

<sup>14</sup> Cal. S. P., Ven., XVI, No. 287.

<sup>15</sup> Cal. S. P., Ven., XVI, No. 83.

The counsel was indeed evil. Frederick could not get on with the Bohemians nor did he have the force to become the center of Protestantism as his allies had hoped. In a short time Ferdinand, now made emperor, with the aid of Maximilian of Bavaria and his general, Tilly, at the Battle of White Hill, October 29, 1620, got the victory for the imperial troops. The Spaniards, coming to the aid of the Austrians, their kindred in blood and religion, with Spinola as leader, invaded the Lower Palatinate.

The news of this invasion set England on fire. Ignorant of European politics, careless of Frederick's un wisdom, the English people knew only that the king's family and Protestantism were attacked, that the danger came from Spain, and that England's duty and delight was to go to war with Spain in behalf of Frederick, in defense of Protestantism. James utterly refused to act. He would neither console Frederick nor yield to the people's demand for war. He was hammered at on all sides by envoys from Bohemia backed up by Donato, the Venetian ambassador, and by the leaders of Dutch Protestantism. Donato, also, speaks of the English Archbishop Abbott, "hating to see the king in such a lethargy, his most profound sleep."<sup>16</sup> Lando says of James at this crisis "His nature is such that in his heart great strokes sometimes please him when they turn out well but he has no inclination to advise or handle them; and if they turn out ill, he wishes to be free from any imputation of having fomented or advised them."<sup>17</sup>

It is to be questioned whether James was as lethargic, or as passive, as he seemed. He did have a positive policy which was that of peace through diplomacy. He thought that Spain in her invasion of the Palatinate was only making a feint and saw no gain in joining against Austria for a prolonged European war. In large-minded tolerance, in sense of proportion, the king of England was ahead of his time. He had the modern point of view about the subordinate place of religion in political issues,

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<sup>16</sup> Cal. S. P., Ven., XV, No. 734.

<sup>17</sup> Cal. S. P., Ven., XV, No. 747.

but his contemporaries in England were not modern. He knew that the Catholic lion and the Protestant lamb would some day lie down together, but he knew it too soon. His people hated Catholicism. He thought that arbitration was better than war. He was right when he shrewdly observed "that a number of subjects are so pampered with peace that they are desirous of change, they know not what."<sup>18</sup> But the time had not yet come for arbitration. The people knew that no change was so welcome, so desirable as war with Spain in behalf of Protestantism. This irreconcilable gap between the views and plans of the king in foreign affairs and the views of the people was to grow; but James refused to call parliament until absolutely forced to do so by lack of money. He did send a tiny band of Englishmen under Sir Horace Vere as a stop-gap. Meanwhile in pursuance of his own policy he sent Digby on a mission to the emperor who tried to push on negotiations with Spain. Frederick himself had hired Mansfeld, a soldier adventurer, to help him out and James too, without consulting parliament, had given Frederick a little money. "Thus was the king estranged in the ways he had chosen for it was not possible for him at once to please his people and to satisfy his foreign interests."<sup>19</sup>

His mercenaries were plunderers of the first water and harmed more than helped Frederick's interests. Frederick himself was most unwise in his policies. Even when Spain caused a truce, Frederick broke it by an attack on Catholic lands. However foolish the war seemed to James, he failed to grasp the fact that it was fundamentally a religious war and as yet religious wars must be waged and no other type of war could matter so much. The flame once started must inevitably spread. The English people realized from the beginning that it was a religious war. Before parliament met, national feeling was so bitter in regard to the king's hesitancy that there was fear of a popular rebellion.<sup>20</sup> When parliament was finally called, the failure of Frederick

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<sup>18</sup> Rushworth, 48.

<sup>19</sup> Rushworth, 37.

<sup>20</sup> Cal. S. P., Ven., XVI, No. 504.

seemed certain and the nation was begging for unreserved national aid to be sent to him.

It was under such circumstances that the parliament of 1621 met. It sat in two sessions, the first from January 31 to June 4; the second from November 30 to December 18. The parliament was one marked by some of James' most characteristic speeches, characteristic both of his weakness and wisdom, showing vividly his nearsighted policy in regard to the events of his day, revealing also his farsightedness in ideals yet impossible to fulfill. This parliament also marked a growing irritation and independence against the king's attitude of "Faither and Kindly Maister,"<sup>21</sup> an attitude which treated the members of parliament like children. The House of Commons especially made evident a strong disposition to emphasize in the first session grievances in taxation and religion before giving any supplies and in the second session the right to talk about foreign affairs, culminating in the declaration of these rights in the famous Protestation of December 18.

The councillors and chief officers of the king were Buckingham, who had succeeded Somerset as new favorite holding the office of Lord High Admiral; Calvert and Conway, Secretaries of State; Williams, Keeper of the Seal; Greville, afterwards Lord Brooke, Chancellor of the Exchequer; Montague, Secretary; Bacon, Lord High Chancellor. The leaders in the House were Sir Robert Phillips, Sir Dudley Digges, Francis Seymour, and James Perrot.

The first session began with the speech of the king in which, as has been said, he practically acknowledged his court extravagances and promised reform.<sup>22</sup> The king also implied that he knew he did not do well in the earlier parliaments. He said he was a novice in the first parliament but was led by "Undertakers" in the second.

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<sup>21</sup> Basilikon Doron, Morley Miscellany, 110, 111.

<sup>22</sup> The report of this speech of James by the Old Parliamentary History seems more trustworthy than Rushworth's. It is characteristically abstract and philosophical. Rushworth's report is too concise and concrete to be natural for James.

To Calvert's request for supply, Sir George Moore replied that grievances and supplies might go together and the House backed him up by attacking the monopolies, first in the person of Sir Giles Mompesson, then in general.<sup>23</sup> On March 18, however, to James' joy they granted a subsidy, though in making the grant they asked that the giving of supplies so near the beginning of the session might not be considered a precedent. Up to the end of March there was no positive lack of harmony between the king and parliament. Indeed, on the 26th of March, Lando reported, "things are going so smoothly the king wishes parliament would go on forever."<sup>24</sup>

The situation changed however in the next month when parliament made a daring piece of assertion by impeaching Francis Bacon for corruption in his work as judge. The attack was tremendously significant from Bacon's position as the highest judge in the land and from his being a member of the King's Council. In bracing himself to the attack he said in his letter to the Lords, March 19, "I shall not trick up innocency with cavillations."<sup>25</sup> While Bacon and the witnesses against him were preparing, the House went on with the attack on monopolies. The king's speech to the Lords on March 26 was condescending but gracious. He said rather reproachfully that he would have punished any offenders out of parliament as severely as they would have punished them within.<sup>26</sup> He talked about how peaceful the times were and exhorted them that they should do "bonum" and "bene." There was something unconsciously humorous in the fact that the Lords voted "in view of his Majesty's speech the 26th of March should always be a Sermon Day." One smiles again when one reads of the king telling the Commons on the 24th of April that they behaved so worthily that he was resolved to speak oftener to them.<sup>27</sup> More than one member must have given a sigh at the prospect. We know that

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<sup>23</sup> O. Parl. Hist., V, 360.

<sup>24</sup> Cal. S. P., Ven., XVI, No. 789.

<sup>25</sup> O. Parl. Hist., V, 355.

<sup>26</sup> O. Parl. Hist., V, 379.

<sup>27</sup> O. Parl. Hist., V, 396.

James' long speeches were afflictions to his parliaments because when Charles I gave his brief opening speech to his first parliament there was enormous relief expressed from "those then wearied from the long orations of King James that did inherit but the wind."<sup>28</sup>

The King must have felt need of graciousness in view of Bacon's submission to the Lords in his wonderful speech of April 22 where he could make no real excuses.<sup>29</sup> He said "Hereafter the greatness of a judge or magistrate shall be no sanctuary or protection to him against guiltiness. After this example it is like that judges will fly from anything in the likeness of corruption as from a serpent which tends to the purging of the courts of Justice and reducing them to their true honour and splendors."<sup>30</sup> The sentence against Bacon was a fine of 40,000 pounds, imprisonment in the tower at the king's pleasure and the deprivation for the future of office in state or a seat in parliament. Before the adjournment of this parliament, Yelverton, the former attorney, was also condemned for bribery, the same Yelverton who had made the king a present of 4000 pounds to get his attorneyship.

The entering wedge of that topic which was to loom so large in the second session of the parliament came in the Declaration of the Commons before the adjournment of this session.<sup>31</sup> They said in this declaration that "they pity the state of English Christians abroad" and if the treaty the king has under way does not succeed—"they humbly beseech his Majesty not to suffer any longer delay"—they will be ready to assist him by sword. The fact that the Commons were insisting on more expression is shown by Rushworth's remarking "a second proclamation was issued forthwith against licentious speech touching state affairs for notwithstanding the strictness of the King's former command

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<sup>28</sup> Eliot's *Negotium Posterorum*, Ed. Grosart, I, 45.

<sup>29</sup> When Gondomar said derisively, "My Lord, I wish you a good Easter", Bacon replied, "My Lord, I wish you a good passover." Kennett's *Wilson*, 736.

<sup>30</sup> *O. Parl. Hist.*, V, 399.

<sup>31</sup> *C. J.*, June 4, I, 639.



the people's inordinate liberty of unreverend speech increaseth delay."<sup>32</sup> Substantially what James said about the restlessness evident throughout the debates was "stop discussing grievances in Parliament and bring them to me in my council and we shall redress them."

Notwithstanding his wish for the marriage with Spain, the king, according to rumor, had promised that Catholics should not be in one whit better condition. According to Rushworth, he really said that "if any of that party did grow insolent, let his people count him not worthy to reign if he gave not extraordinary punishment."<sup>33</sup>

The second session of the parliament met on November 20 and though not formally dissolved until January did not meet again after dismissal by the king before the Christmas recess on December 18. It was a session almost wholly occupied with foreign affairs and bitter feelings between the king and the Commons were expressed in a number of vigorous declarations. The situation was indeed trying. The king, as has been said, had some good reasons to hope that Spain might keep out of the war and in time do something to restore the Palatinate to Frederick. Meanwhile, he wished money to feed Mansfeld's soldiers lest they plunder the people of the Palatinate. As Digby said in reporting the interview which he had with the emperor, Maximilian, "Mansfeld's army did not consist of men who fought for their country, wives, or children but for money which they must have speedily or they are gone." Digby also implied that there was a larger command soon going over to the emperor. This unpleasant dependence or non-dependence on hired soldiers plagued the English army throughout the Stuart reigns. Digby, wisely informed as to the actual situation, justly demanded an army of Englishmen and the money for it. Williams, the treasurer, in presenting the king's speech used Digby's plea and asked parlia-

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<sup>32</sup> *Ibid.*, 36.

<sup>33</sup> *Ibid.*, 37.

ment to grant more money and so to have this business "as to make his Majesty in love with Parliaments."<sup>34</sup>

The small English army which had already been sent were, as Wilson says, "bones in the way."<sup>35</sup> Wilson also says that Digby's embassy was "to as little purpose as if he had stayed at home." The Bavarian had already "swallowed the Electorate and his voraginous appetite gaped after the possession of the country." Digby did the best he could on his mission but was treated by James in cavalier fashion, the king giving him no pay for the time he had been gone. Wise as Digby was and genuinely respected, he was in an impossible situation, able to meet the wishes of neither king nor people.

The Commons were sore at the king because "the great match with Spain was still on the carpet,"<sup>36</sup> and because they were not consulted, continued to growl about their grievances. There were plenty of people about court to report to the king all the growlings of the Commons. In a long remonstrance with fourteen grievances and ten practical suggestions, the Commons formally set forth their point of view which was, as has been said, the waging of war on a larger scale for the return of the Palatinate, also making it a war against Spain.<sup>37</sup> The king, very angry, retorted that "none shall presume to meddle with anything concerning our government or deep matters of state."<sup>38</sup> Parliament replied humbly but firmly "in a great bustle" with another petition where they asserted their rights, saying that the time had come "that the voice of Bellona and not the voice of the turtle should be heard in the land."<sup>39</sup>

The King's speech of December 11th in reply to this petition is one of his most characteristic utterances. Flashes of shrewd and genuine wisdom alternate with obstinate and unreasonable assertion of the royal prerogative. He told the Commons that

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<sup>34</sup> C. J., I, 485.

<sup>35</sup> Kennett, 738.

<sup>36</sup> C. J., I, 486.

<sup>37</sup> C. J., I, 487.

<sup>38</sup> Rushworth, 41.

<sup>39</sup> Rushworth, 45.

their privileges were derived "from grace and from permission of our ancestors and us." For most privileges, he said, grow from precedent which show rather a toleration than an inheritance. He went back to his old grievance of the way the Scotch "hooked themselves into the cognizance of all causes," saying "you usurp on our prerogative Royal and meddle with things far beyond your reach. The difference is no greater than if we would tell a merchant that we had a great need to borrow money from him for raising an army that thereupon it would follow that we were bound to follow his advice in the conduct of the war."<sup>40</sup>

In regard to the Palatinate James showed a more practical point of view. It was not really a Protestant union which James sought but a religious independence of all nations. As has been said, to the king the question of religion was secondary, to the English Commons it was primary. His ignorance of the Commons' point of view and his tactlessness showed in his determination to maintain that the Commons had no rights, "only privileges given them by grace." The king was still set on the Spanish match. He said parliament should trust him to manage it without hurt to the Protestant religion. With Elizabethan insight he added, "we must not by hot persecution of our recusants irritate Foreign Princes of contrary religions and teach them the way to plague the Protestants in their dominions." He was still set on peace if possible, but if not, on making war in his own way without advice or consent of parliament. The House of Commons working themselves up more and more against Roman Catholicism and foreseeing a speedy dissolution resolved on December 18 to put themselves on record. Meantime the king had said instead of finding fault that they should have thanked him for all he had done, "who but those negotiating treaties can judge of them?" He complained that they would make him ashamed before foreign princes.

Wilson says that the Commons continued their protests. "They thought religion insecure, for as long as the bent of his

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<sup>40</sup> Rushworth, 48.

affections tended to the Spanish match there must needs be a wide gap open as an inlet for Popery.”<sup>41</sup> The culminating protestation was recorded on December 18 with its famous kernel: “That the liberties, Franchises, Privileges and Jurisdictions of Parliament are the ancient and undoubted Birth-right and Inheritance of the Subjects of England; and that the arduous and urgent affairs concerning the King, State and Defense of the Realm and of the Church of England; and the making and maintenance of Laws, and Redress of Mischiefs and Grievances which daily happen within this realm are proper subjects and matter of counsel and Debate in Parliament and that in the handling and proceeding of those business every Member of the House of Parliament hath, and of Right, ought to have Freedom of Speech.”<sup>42</sup>

This protestation was the second of the long series of informal but vital documents which were the stepping stones to the Puritan revolution, the first being the Apology of the Commons in 1604. The second, in 1621, repeated certain fundamental assertions of the first, stating the rights and privileges of parliament, and thus making a distinct link of connection in the chain with the documents that followed. “They resolved,” said Wilson, “to leave some prints and footsteps of their Parliamentary rights and privileges left them by their great ancestors.”

The Journals have a note to the effect that the king tore out this protestation with his own hand.<sup>43</sup> Rushworth explains that he did it because only part of the House was present and he was already treating with their messengers for adjournment.<sup>44</sup> The leaders of the House, “ill-tempered spirits” as the king called them, were either put in prison or sent to Ireland.<sup>45</sup> The doors and locks of Edward Coke’s chambers in London were sealed and his papers were seized. The Commons felt

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<sup>41</sup> Kennett, 747.

<sup>42</sup> O. Parl. Hist., V, 508.

<sup>43</sup> C. J., I, 668.

<sup>44</sup> C. J., 653.

<sup>45</sup> O. Parl. Hist., I, 525.

that Gondomar, through his influence over the Privy Council, had a great deal to do with this harshness.<sup>46</sup>

After the formal dissolution of parliament on January 6, 1622, the king appointed a special committee of the Council to hear and redress grievances, but we have no record of effectiveness on its part. England, chafing and distrustful, awaited the king's next move.

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<sup>46</sup> C. J., I, 654.

## III

## THE NEGOTIUM POSTERORUM

The *Negotium Posterorum*<sup>1</sup> is Sir John Eliot's account of the meetings of the House of Commons during its sessions of 1625, which constituted the first parliament of Charles I. The account was written some time after the events of which it tells, probably during Eliot's imprisonment in the tower between 1630 and 1632. Allowance must be made, therefore, for the coloring of Eliot's point of view from the events occurring between 1625 and the time of his writing this account. Especially must such allowance be made when dealing with an historian of as vivid imagination as Eliot, whose emotions and acts were so closely concerned with the personages of whom he writes.

Eliot's account is emphatically an account of people. As one reads over again and again his story, one seems to be actually with that group, so vividly does Eliot sketch the personality, the mode of speaking and the reactions of each of the prominent members of the Commons and of the representatives of the King whom he sends to deal with the Commons. The events of this parliament are given in several other accounts, correcting Eliot's story in certain respects, but as a piece of parliamentary narration it is unsurpassed by any other such account in the seventeenth century.

He makes alive the gravity of the king and parliament's joy in the brevity of his speeches. He traces the bewilderment which grew among the members as the omissions of those speeches became glaring question marks before their minds. He brings out the importance of Buckingham, the wit of May, the pedantry of Sir John Coke, and the latent power of Wentworth. He laughs at the cold rhetoric of Naunton. On the other hand, he makes the great leaders of the House tower in dignity and glow with ardent speech. Seymour and Philips did deliver great speeches, but some of their phrases are Eliot's

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<sup>1</sup> Printed from the author's MSS. at Port Eliot and edited by Alexander Grosart for private circulation only, 1881.

own, as one sees by comparison with his later speeches in the parliament of 1626. For example, the phrase used in Seymour's speech on supply, "Their luxuries and excesses had wasted first the treasurer and then exposed the honor of the King,"<sup>2</sup> is not found in any other account, but is the expression used by Eliot himself in his own supply speech of 1626.<sup>3</sup>

The parliament of 1625 met June 18th in London, hopeful because of the new king whose reputation was at least more promising for ability to meet the wishes of the nation than that of his father had been. His reticence kept hope alive, and his purity of character appealed to the strong Puritan element in this parliament. Rudyard, whom Eliot characterizes as "languid in expression," and given to "generals fitter for discourse than counsel or debate,"<sup>4</sup> says of the king: "I may Stricktlie say Ther can hardlie be found a privat man of his years soe free from all ill, which as it is more rare and difficult in the person of a King soe is it more exempla and extensive in the operation, and noe doubt, being a blessing in itself, will call downe more blessings from heaven vpon this kingdom for his sake."<sup>5</sup> Eliot says of his personal character: "In some the consideration of his pietie, his religious practise and devotion, his choise and constant preservation of that iewell in the mids't of those prestigious artes of Spaine, and his publick professions, being from thence returned, did cause that ioye and hope; others were moved by the innate sweetness of his nature, the calme habit and composition of his minde; his exact government in the economie, the order of his house, the rule of his affaires, the disposition of his servantes, being Prince, all in a great care, and providence."<sup>6</sup>

The dissolution of the treaties with Spain—"the untying of those Knotts, the cutting of those Gordian yokes in which they were held by Spaine,"—and Charles' apparent eagerness for war,

<sup>2</sup> *Negotium Posterorum*, II, 83.

<sup>3</sup> Forster: *Life of Eliot*, I, 483.

<sup>4</sup> N. P. I, 69.

<sup>5</sup> N. P. I, 67.

<sup>6</sup> N. P. I, 41.

were contrasted with James' struggle to keep up "with those treaties, whereby religion was corrupted, iustice perverted; and all this through facilities and a too much Love of peace."<sup>7</sup> His brief speech at the opening of parliament pleased by its courteous tone and apparent trust in parliament: "the sence and shortness of his expression were well Likte, as meeting with the inclination of the time, which wearied with the long orations of King James that did inherit but the winde."<sup>8</sup>

Underneath the feeling of hope was a determination on the part of the Commons to assert more vigorously than ever the disputed rights of parliament in taxation and in religion, and to understand and to direct, if possible, the action in foreign affairs. They did not understand how the French marriage had come about, bringing them a beautiful little queen with her Catholic faith and chapel. They did not understand what treaties had been violated nor what kept. They knew only that France had broken her promise to help Mansfeld in his expedition to recover the Palatinate, failing to allow his troops to go through her territory on his way to Holland. They knew—constant woe—that the laws against recusants were not enforced and they suspected justly that money was going to be asked for causes of whose inwardness they were ignorant.

Money was asked for immediately by Williams, the Lord Keeper, who said that all the money was spent which they had formerly given, and that more must be raised promptly. Crewe, the Speaker of the House, responded in a rather florid speech emphasizing over again the fundamental rights of parliament, freedom from arrest, freedom of speech and access to the king and asking for more light. He also hammered again on the people's desire, so strongly brought out in the parliaments of 1621 and 1624, for rescue of the Palatinate, to England a symbol of European Protestantism. His language in regard to religion is Scotch in its vigor, grim as the language of the Covenanters. "(You) add happiness to your crowne and state, by

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<sup>7</sup> N. P. I, 42.

<sup>8</sup> N. P. I, 44.



pulling downe the pride of that Anti-christian Hierarchie, and in abandoning by publick edict, reallie executed, that wicked generation of Jesuites and Seminarie preistes, who are the sonns of Bichrie that blow the coales of contention, incendiaries that lie in waite to sett combustion; blood and powder are the badges of their wicked profession.”<sup>9</sup>

Eliot’s comments that the lawyer’s—Crewe’s—expression was divine, the divine’s—William’s—more historical and law-like, and that “states as divines use glosses on their texts” represent restlessness and bewilderment in the House’s beginning. One does not wonder that there was no haste in replying to the request for supplies, and that the ever-popular subject of religion was taken up with zeal despite Rudyard’s proposition that grievances should be postponed, and that they should “fall upon such things onlie as are necessarie, cleer and of dispatch.”<sup>10</sup> The trouble was to know what things were necessary, clear, and easily dispatched. To the king and council, the necessity was money, to the parliament the necessity represented varied grievances, shown throughout their petitions and debates.

In regard to religion the Commons doubtless were bigoted and tempted to go beyond their legal rights, especially in their attitude toward Montague, that bone of contention thrown over from James’ reign. Eliot’s point of view in regard to religion was broader than that of many of his colleagues. His aim was to uphold the ideal of unity and purity in a positive way, rather than like Pym to insist on multiplying laws against offenders, or like Crewe to formulate against Catholics. The speech on religion attributed to Eliot is certainly characteristic of him in its idealism and breadth. He particularly speaks of religion in its relation to the state as its chief support and ground work: “Religion onlie it is that fortifies all pollicie, that crownes all wisdome, that is the grace of excellence . . . religion it is that keeps the subjects in obedience, as being taught by God to honor his vicegerentes . . . the common oblige-

<sup>9</sup> N. P. I, 52.

<sup>10</sup> N. P. I, 68.

tion amongst men, the tye of all frindship and societie, the band of all office and relation."<sup>11</sup> He thinks that uniformity in religious observance means unity in the kingdom: "Where there is division in religion as it does wrong divinities it makes distractions amongst men, and soe dissolves all ties and obligations, civill and natural." In characteristic phrasing he says: "What divisions, what factions, haie what fractions in religion this kingdon does not suffer, I need not recapitulat."<sup>12</sup> The discussion which followed seems fruitless to us, because the one practical change possible, the lessening of the severity of the recusancy laws, was never touched. Another committee was made, another petition was sent to the king.

Later on in this session the question of Montague came up, the Arminian preacher whose books and ideas were such a source of irritation to the House of Commons. Montague's books had been dealt tolerantly with by James. He understood their struggle toward the modern ideal of harmony of the best in the traditions of the past with the practical needs of the present, the struggle in which Hooker was engaged in Queen Elizabeth's reign and Laud in later days. The Commons had no sympathy whatever with James' tolerance. To them Montague's books were "popish and seditious." That when the Archbishop Abbott told him to revise his first book he should have replied with the production of a second equally obnoxious was in the eyes of the Commons an insult to the king. That James had not regarded it as such in no wise affected their opinion.

It affected their action however; for they took the responsibility off the new King's shoulders by hailing Montague before their bar as a culprit, an act quite beyond their legal rights. Moreover, Montague, called to examination in the House, declared that the king had approved his "tenets and opinions," swearing, "if that were to be a papist, so is he." Nevertheless the Commons managed to make out that he had harmed the

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<sup>11</sup> N. P. I, 70-71.

<sup>12</sup> N. P. I, 72.

king by sowing jealousies between himself and his subjects, that he had slighted "those famous devines who have bene great lights in the church, Calvine, Beza" and others, that he had scorned the jurisdiction of parliament.<sup>13</sup> There was some discussion over his commitment into the sergeant's hands as a prisoner but it was finally done with the culprit kneeling at the bar.<sup>14</sup>

To trace the affair of Montague through the year, he was called to the bar again on the second day of the second session, August 2. Meantime Charles had appointed him one of his chaplains and the bitter feeling of the Commons is shown in Eliot's account. "The Sariant thervpon being required to bring his prisoner to the barr, anfwear'd that he had left him sicke, & by a letter from him was advertised that his weakness was such as he could not travell, w<sup>ch</sup> giving no satisfaction to the house, that thought it an excuse, divers expressions were (used) vpon (it), shewing a disaffection to the man."<sup>15</sup> Eliot, evidently, did not sympathize with this extreme severity. The House, however, in spite of a message from the king that he had taken Montague's cause into his care, continued to assert their dominance in the case and to say that the king had no right to interfere. "The Sariant was therefore commanded to produce or to answer the neglect." Eliot also did not agree with those who took occasion to argue the opinions of Montague. "Descending into the subtilties of the schoolemen, about the infallibility of grace, the antecedent & consequent wills of God."<sup>16</sup> It is said that both now, and later in Pym's report<sup>17</sup> on Montague in April, 1626, they decided "not to medle with the doctrinal points of his workes."<sup>18</sup> In this report of Pym's the clergyman was declared to have distributed the peace of the church and of the Kingdom." The king's power and favor,

<sup>13</sup> N. P. I, 105-7.

<sup>14</sup> N. P. I, 109.

<sup>15</sup> N. P. II, 13.

<sup>16</sup> N. P. II, 15.

<sup>17</sup> N. P. II, 15.

<sup>18</sup> Fawsley Debates, Camden Society, Appendix, Sect. IV.

however, saved Montague from farther punishment and obtained his release on bond. The House worried him yet again in 1628, in spite of Charles' command to them in 1626 to be silent. Only when Parliament was perforce silenced on all matters in 1629 did they let this bone alone. Montague was then made Bishop of Chichester.<sup>19</sup>

News that the plague which had broken out in London was greatly increasing alarmed the members. A formal petition on religion<sup>20</sup> was hurriedly prepared and presented by a committee of both Houses. It contained sixteen points, asking, of course, for the enforcement of laws against recusants, against the holding of Catholic services, and, constructively, desiring that teaching and preaching might be more carefully supplied by abler schoolmasters and ministers. In illustration of the feeling of the House it is worth noting that when the question of supply came up it was proposed that "recusants should give double amounts!"<sup>21</sup>

To turn from the question of religion, most important in the eyes of parliament, to that of supply, far more important in the eyes of the king, at the very beginning of the session they had been asked for money at once "in some unusual way," as Williams put it, "if ye finde the vsuall waie too slacke."<sup>22</sup> Seymour proposed one subsidy and one-fifteenth, a proposal absurdly small. The final vote was to give two subsidies which amounted to only one hundred and forty thousand pounds. The engagements of the king, obviously, required many times that sum.<sup>23</sup> Eliot gives as reasons for the small sums offered what he judges to be the chief conclusions of the debate following: First, it was too early in the parliament, "then that the condition of the people, through the manie violation(s) of their rights, in the generall liberties of the kingdom, the particular priuiledges of that house, their burdens, their oppressions,

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<sup>19</sup> Dict. Nat. Biog.

<sup>20</sup> N. P. I, 84-91.

<sup>21</sup> N. P. I, 78.

<sup>22</sup> N. P. I, 146.

<sup>23</sup> See Fawsley Debates, Intro., p. vi.

which noe times els could parallell, spoke them less able; & that complaint postposd, shew'd them more affectionat." He touches lightly now on the real kernel of the reluctance to give more, "there being noe knowledg of an enemye,"<sup>24</sup> a reason heavily emphasized in the second session of 1625.

In regard to the supply the business was unwisely started. From any legal point of view, the king should have stated at the beginning of the session the sum he desired and the purposes for which it was to be used. On the other hand, the Commons should not have hastily pitched on a sum at random. The king again should not have accepted that sum, when he knew quite well its inadequacy and was fully aware that he should have to ask for more. Also, as Gardiner so clearly brings out in the introduction to the Fawsley Debates, each party felt that the aims of the other were not understood nor appreciated. The king wished money to meet his obligation to his continental allies and to pursue the war on land; the parliament wished to emphasize the increase of the navy and the attack on Spain by sea. Finally, the Commons were genuinely ignorant of the uses to which their supply last voted had been used. They believed it had been given for Mansfeld's expedition to recover the Palatinate. That expedition had been a failure. No profit or honor had come out of the enthusiasm which had united king and people in declaring war at the beginning of James's last parliament, in 1624. Eliot, especially, as Vice-Admiral of Devon, had known the distressing state in which sailors had come home during the early summer. "The millions of treasure spent without success in profit or honor to the kingdom, manie thousand men, that had perisht & beene lost, in the Pallatinat & w<sup>th</sup> Manffeilt."<sup>25</sup> This statement was an exaggeration, but that money had been ill-used and squandered was true. When the king had so mistakenly intimated his acceptance of the two subsidies, three-fourths of the parliament

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<sup>24</sup> N. P. I, 75, 76.

<sup>25</sup> N. P. I, 76.

fearing the plague, went away understanding that business was nearly concluded.

In fact, the disease was increasing rapidly with the summer's height. This was the latest wave of the plague which had been sweeping over Europe from time to time since the Crusades. Eliot says: "The sickness was then risen to a great infection & mortalities, noe part of the cities did stand free."<sup>26</sup> And again, "the epedemicall infection of the plague being so vniversallie disperst, that all persons were suspected & in ielosie, men, if they could, even flying from themselves; the houses, streets & waies, naie even the fields & hedges, almost in all place neer London & about it (besides the miserable calamities of the citie) presenting dailie new spectacles of mortalities."<sup>27</sup> On the 9th of July, Locke wrote to Carlton: "The sickness increaseth still more and more; the Bill specified this weeke but 1,222, and of the sicknes but 500 and odd, but by common opinion there died many more. It is not onely in the cittie, but spares neither Court nor country. Upon Sunday last, the 3. of this present, there were 3 carried out of the backe part of the Courte at Whitehall (the K. and Q. then there) sicke, who all died since of the plague."<sup>28</sup>

With this terror hanging over them and seeking adjournment, the quarter of the House remaining took up the tonnage and poundage bill. Tonnage and poundage had been granted to the king for life since the reign of Henry VI. Any discussion or hesitation about its grant by parliament was sure to be considered an affront by the sovereign. It was to him as much a special prerogative as the right to open parliament. In the minds of some members of the Commons, however, since the Bates's case of 1606, tonnage and poundage had become but one of a large group of impositions, over which parliament and king had disagreed all through the former reign. Therefore, the leaders of the Commons had decided to debate the whole

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<sup>26</sup> N. P. I, 84.

<sup>27</sup> N. P. I, 123.

<sup>28</sup> Fawsley Debates, App., p. 152.

subject of indirect taxes before again granting tonnage and poundage to a king for life. Consequently, under the existing circumstances, the grant was made but for one year, suspending further action until investigation could be made by a full House. The bill was accepted by the Lords, but naturally not signed by the king. One would have liked to have had a glimpse of Charles's emotions when the bill was presented to him. His indignation must have been great.

After tonnage and poundage was disposed of came a question of the Yorkshire election, involving the election of Wentworth. Eliot made his second speech in this session, vexed because Wentworth pleaded his own cause in the House. Eliot's speech showed part of that idealization of the House which made him extravagantly sensitive to its honor. He says: "*in senatum venit*, he comes into this Senat, but w<sup>th</sup> a will to ruine it; for soe I must interpret the intention of that act, that would destroe the priviledge. But did say it was a member did it? I must retract that error in the place, or be fals to the opinion w<sup>ch</sup> I have; for either by the election he pretends, or for this act & insolence, I cannot hould him worthie of that name & soe, (involving both questions vnder one) as a full determination of his case, let vs from hence expell him."<sup>29</sup>

This is harsh judgment. Considering the merits of the case, the election seems to have been one under genuine dispute. At any rate the new election brought in Wentworth triumphantly to the second session where he did good service. Eliot's description of Wentworth's character was written after their ways had parted. Eliot appreciated his eloquence, his keen reasoning power, "his abilities great both in judgment and presuasion." He noted truly his imagination—"his descriptions exquisite"—and his pride, but he analyzed wrongly when he spoke of Wentworth's virtues as 'seldom directed to good ends and when they had that color some other secret mov'd them."<sup>30</sup>

The session finally closed under very different circumstances

<sup>29</sup> N. P. I, 102.

<sup>30</sup> N. P. I, 104.

from those expected. The king, following the suggestion of the Duke of Buckingham, proposed a new subsidy. Eliot tells the story vividly. Buckingham sent first for a group of his special friends at midnight, most of whom consented to his plan. Others among them, especially Sir Humphrey May, struggled to dissuade him from such a proposition, thus in spite of the fact that May was Chancellor of the Duchy and presumably the king's man. Finally, "having travaild with much industrie in that service, but in vaine, he came in great hast to a gentleman whom he thought more powerfull with the Duke and knew to be affectionate to the public and him he importund to a new attempt and triall for staie or diversion of that worke."<sup>31</sup>

Eliot argued with Buckingham on the ground that the king had professed satisfaction with the two subsidies already given, and that the occasion was unseemly, when a large part of the House had gone away. Such a proposal at that time would seem a breach of confidence, "an ambuscado and surprise; which at no time could be honorable toward subjects."<sup>32</sup> It was, evidently, a long conference. In the course of it Eliot also warned Buckingham of the disfavor into which he personally would fall if such a proposition were made.

In reply Buckingham said that the two subsidies had been accepted "in respect of the affection to the King, not for satisfaction to his business. That the absence of the Commons was their owne fault and error, and their neglect must not prejudice the State."<sup>33</sup> Buckingham brought out the point, which he evidently felt would most meet the approval of parliament, that the money was needed for the fleet. Eliot, as Vice-Admiral of Devon, was certainly interested in the fleet and it was natural that Buckingham, as Lord High Admiral, should also emphasize that side of the equipment. Eliot plead the un wisdom of "alienation of the affections of the subiectes, who being pleased were a fountaine of supplie, with out whom those

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<sup>31</sup> N. P. I, 110.

<sup>32</sup> N. P. I, 111.

<sup>33</sup> N. P. I, 112.



streames would soon drie up.”<sup>34</sup> Though Eliot’s persuasion was in vain we know from his speech in the second session of parliament that he and Buckingham parted still friends.

Sir John Coke was chosen to present the king’s request showing what had been spent, and what promises had been made to Charles’ allies on the Continent. He said boldly that about three hundred and fifty thousand pounds were wanted. “The king and the Lord Admiral and others have given from their own estates seventy thousand pounds.” He added, “shall we proclaime our owne poverty by loosing all that is bestowed vpon it . . . the peace of christendome, the state of religion depend upon this fleet. the adversaries deliver verie insolent speeches ever since the taking of Breda.”

Coke seemed to forget that the natural question would be: “Why were the adversaries allowed to take Breda?”

All he said was, “The French encline to civill warr.”

“How did England happen to be mixed up in French affairs?” the listening members would ask.

“What have we to reunite the princes . . . to appose the Catholic league but the reputation of Mansfield’s army and the expectation of our fleet,”<sup>35</sup> was his reply.

The reputation of Mansfeld had proved a tottering support, a feeble buffer for any Protestant protection.

The motion of Coke “died and perished” and through the Lords the Commons sent a messenger to the king asking for a dismissal. The king replied that he would shortly answer the petition of religion and they would be adjourned July 11. But, and this was a large “but”—they were to meet again at Oxford August 1.<sup>36</sup>

The parliament did not like to meet at Oxford, the university town being a peculiar seat of royal privilege. Also rumors of the plague being there had come to them. But probably Eliot’s account of the plague there is exaggerated as the king would

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<sup>34</sup> N. P. I, 112.

<sup>35</sup> N. P. I, 116.

<sup>36</sup> N. P. I, 123.

not have been likely to call parliament where there would be danger to himself. As a matter of fact, a member of the House states that "no Parliamente man died of it while we were there."<sup>37</sup>

After the adjournment in the last part of July Eliot went home to Cornwall and as he journeyed along the coast, complaints met him continually of the ravaging of Turkish pirates. The description he gives is so vivid both of the ravaging of the pirate and of the inadequacy of the protection of the coast that I quote it in full. "About the time of the adiornment of the Parliament from London, the Turks were growen verie infestuous to the marchants. Divers ships & vessels they had taken, w<sup>th</sup> a multitude of captives, drawn from thm. In the west parts they had made the coasts soe dangerous through their spoiles, as few dar'd putt forth of their harbors; hardlie in them was the securitie thought enough. The boldness & insolenc of these piratts was beyond all comparison, noe former times having beene exampled w<sup>th</sup> the like. Their adventure formerlie on those seas was rare, almost vnhard of, w<sup>ch</sup> made their comming then more strange. That being aggravated by their frequencie & number, w<sup>ch</sup> their dailie spoiles did witness, & those much heightened by their bouldness, it made a great impression on the Countrie, & possesst it w<sup>th</sup> much fear, that divers alarums it received, w<sup>ch</sup> made divers motions in the people, who, as their manner is, fain'd or enlarged the cause after apprehension of their fancies, w<sup>ch</sup> passing to their neighbors, still affected them w<sup>th</sup> more, vntill it had a general influenc throughout all even the cheife townes & strengths not privileged or exempted. They had in some parts entred even into the mouthes of the close harbors, & shewd themselves in them, & all the open roads they vs'd confidentlie as their owne. Some ships they had taken vnder the fforts & castells. Nothing did deterr them, but the whole Sea seem'd theirs. In Cornwall they had landed, & carried divers prisoners from the shore. All fishermen that stird became their prey & purchase. They had gained in that Summer, at least, twelve hundred christians, the loss of whom caused

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<sup>37</sup> Fawsley Debates: Appendix, p. 151.

great lamentation w<sup>th</sup> their frinds. This man bewayld his sonns, that his father, another his brother, a foorth his servant, & the like; husbands & wives, w<sup>th</sup> al relations els of nature & civilitie did complaine; besides the preiudice of the marchants, the losing of their ships, the interruption of their trade, w<sup>ch</sup> made a generall damp on all things, commodities not being vendible where the transportation is denied; this made a cry and exclamation that noe part of that countrie did stand free, noe person but was affected w<sup>th</sup> that sence hereof a dailie intelligenc had been given to the ministers of the State, w<sup>th</sup> special addresses therevpon to implore for some releife. Divers ships were then readie of the ffeet, w<sup>ch</sup> might have beene commanded to that service. They lay idle in their harbours, in the Thames, at Portsmouth, & elsewhere all their men and provisions being aboard. They were to attend the preparation of their fellows, for w<sup>ch</sup> generallie was appointed the Rendezvous at Plimouth; soe as this imploiment would have drawne them to that place. Their countenanc in the passage would have dispeld those pirats. Noe charge had been occasiond to the King noe wast of provisions, noe vnreadiness in the ships, noe disorder to the service, but rather an advantage given in all; yet nothing could be gotten, noe ship might be remov'd, the trade & marchants were neglected, the coast was left vnguarded, the Countrie stood expos'd, as if in expiation of some sinne, it had been made a sacrifice to those monsters."<sup>38</sup>

This condition of things becoming known to Eliot, he put it directly before the King. In response, eight ships were ordered to be sent to Plymouth through the Commissioners of the Navy. This was a body, as Eliot says, appointed "for a check and superintendanc to the Admiral, that the kingdom stood not too much intrusted to one man, but after they be came only subservient to the Admiral." Although the order was delivered to Sir John Coke, the head of the Commission, it was laid

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<sup>38</sup> N. P. II, 3-5.

aside and unheeded. The expectations of the Country were all frustrated."<sup>39</sup>

Irritation over this new neglect was the more marked because at the same time seven merchants' ships were consigned to the French. This loan of the ships to the French opened another most perplexing question before the Commons and people. These merchants, who through the treaties of the merchants' alliance were in duty bound to join a fleet to help France, found the fleet was to go against French Protestants. D'Ewes says in regard to England's feeling toward the French Protestants: "We and they made and constituted, with all the other Protestants in the world, one true Catholic Church,"<sup>40</sup> a curious expression for the seventeenth century. When the Huguenots of La Rochelle revolted, the English ships in accordance with some unknown clause of the treaty were bound to help the French King against his Protestant subjects. The course of double dealing which followed showed the struggle of Charles and Buckingham (as in the matter of religion) to please the French and at the same time not to offend the English. Coke wrote to Conway: "our seamen, generally, are most resolutely Protestant and will rather be killed or thrown overboard than be forced to shed the blood of protestants."<sup>41</sup>

Pennington, the commander of the fleet, protested that he would take the ships over to France but would not stay and see them used against French Protestants.<sup>42</sup> Sir Ferdinando Gorges, one of the captains, an earlier explorer along the New England coast, slipped away and returned to London. Further mutiny was saved by peace being made with the Huguenots by Richelieu. But the affair—as much as was known of it, as the news gradually leaked out—rankled in the minds of Englishmen. Charles's double dealing, the whole facts of which we do not yet know, was strongly suspected even though the issue was better than he deserved to have it.

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<sup>39</sup> N. P. II, 6-7.

<sup>40</sup> Autobiography, p. 164.

<sup>41</sup> Cal. S. P. Dom., IV, No. 40.

<sup>42</sup> Cal. S. P. Dom., IV, No. 78, 79.

Therefore, when the parliament met at Oxford, on August 1, reluctant and suspicious, the smoldering dissatisfaction was kindled to a flame at once, because of the release granted by crown officials to a Jesuit imprisoned at Exeter. This was, done twelve days after the adjournment of the last parliament when the promise had been especially given of enforcement of the laws against Jesuits. Eliot rushed into speech, into a tender and gallant defense of the King and blame of his ministers. "I cannot thinke this rightly issued from the King or if it did that he rightlie understood it." He excused the King, intimating that he was misled by his affections. "Harts they have still and affections like to others. And trust will whaer love had gone before. therefore, I doubt this some abuse of ministers who prefferr their owne corruptions before religion or the King."<sup>43</sup>

This keynote of attack on bad counsel is struck again and again through the speeches that follow. Marten, the judge who had unjustly condemned Eliot in the Nutt affair, a condemnation magnanimously ignored by Eliot who calls him "learned and grave" and says he spoke "that truth which was written on each hart",<sup>44</sup> declared the ambassadors sent to arrange the French marriage treaty unfit for their work. These ambassadors—the Earl of Holland and the Earl of Carlisle—really were little responsible for the conditions of the treaty. As in regard to the Huguenot affair of La Rochelle, here, too, we are ignorant of the real facts and we do not know what was arranged by the French marriage treaties in the previous autumn and winter. Much more then were the members of Parliament ignorant of the facts, but again they suspected double dealing on the part of the King.

After reprimanding Montague, as has been already related, the king, Conway and Coke presented the need of supply and threw open the great debate which lasted for a week. It was a debate marked with much real eloquence on both sides. On the king's side Coke, Buckingham, May, Heath and Weston

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<sup>43</sup> N. P. II, 9, 10.

<sup>44</sup> N. P. II, 11, 12.

were the important speakers. On the side of the House, Seymour, Philips, Sir Edward Coke, and Sir Nathaniel Rich spoke with vigor and assurance. Wentworth and Alvord made brief remarks but said enough to keep themselves out of the next parliament. To prevent their election the king had them appointed sheriffs, together with Edward Coke, Seymour and Philips.<sup>45</sup>

The tone of the debate varied on different days. The debate of the 5th, in which Philips, Seymour and Sir Edward Coke opposed passionately the gift of more money without knowledge of the enemy and without good advice, was very different from the dispassionate and practical talking of the 6th where Eliot defended Buckingham as well as the king and where Rich summed up concisely in his petition of five heads the inquiries of the Commons. On the 9th came Buckingham's speech, answering the petition of both Houses framed from the nucleus of Rich's five heads, a speech followed by Coke's statements of sums needed to meet the king's engagements, amounting to over three hundred thousand pounds. The final debate against giving came on the 10th with Philips and Seymour in opposition.

Two speeches of Eliot's are recorded. One is found only in the *Negotium Posterorum*, a speech based on researches of Sir Robert Cotton prepared for the 10th, which Gardiner argues was never spoken. The other, a brief defense of Buckingham and attack on the Navy Commissioners, given on the 6th of August, is omitted by the *Negotium Posterorum*, referred to in the main account of Fawsley, and given in full in the appendix. Weston, Naunton, and May, urged for the King. The discussion died away on the 11th and 12th under knowledge of the impending dismissal, which was inexorably made. As the closing sentiment of the House a protestation of Granville's was adopted declaring loyalty, affection, and readiness "in a convenient time and in a parliamentary way freely and dutifully to do our utmost endeavor to discover and reforme the abuses and grievances of the realme & state, & in the

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<sup>45</sup> Strafford Letters, p. 29.

like sort to afford all necessarie supplie to his most excellent ma vpon his present, & all other his iust occasions & designes."<sup>46</sup> The "parliamentarie way" was not the king's way.

To take up the events more in detail, first, the chief arguments on the king's side were that the Commons were merely asked to carry through the work which they themselves had started and demanded when they cried for war in the parliament of 1624. Conway said: "The war was occasioned by Parliament in the counsell which they gave to the dissolution to the treaties."<sup>47</sup> May "vrg'd againe that the King's ingagement was by them, & that he vndertooke but the designes w<sup>ch</sup> they propounded; & that therevpon he inferd that the Parliament ought not to re-cead."<sup>48</sup> Coke said that (the war) "being the effect of the counsell given by Parliament, by the Parliament he desir'd to follow & accomplish it."<sup>49</sup> And Buckingham said "my Master entred into this business when ye had given the counsell & the means to execute it."<sup>50</sup> The king, himself, is reported to have told the parliament that they had drawn him into a war and must find means to maintain it.<sup>51</sup>

Again the speakers on the king's side emphasized all through that the money was desired for the fleet. In the first place, Conway asked for forty thousand pounds for that special purpose. It was the fleet emphasizing the war by sea which was the special instrument of parliament's wishes. Coke said four hundred thousand pounds had already been spent for the navy and ten thousand men were waiting at Plymouth to embark; "they wants yet much monie to supplie them, some necessaries for the ships, some provisions for the men, w<sup>thout</sup> w<sup>ch</sup> neither can be serviceable." He sagely hinted "of a designe to trouble Ireland & an increase of the enemies navie in the Low Countries, w<sup>th</sup> a purpose to thrust over part of their Armies into

<sup>46</sup> N. P. II, 205.

<sup>47</sup> N. P. II, 17.

<sup>48</sup> N. P. II, 27.

<sup>49</sup> N. P. II, 20.

<sup>50</sup> N. P. II, 63.

<sup>51</sup> Cal. S. P. Dom., III, No. 91.

England.”<sup>52</sup> May urged giving by an “apothegm” as Eliot puts it, “that monie given in that house might be cast into the Sea, & soe some treasure lost, but not given, posteritie might rue it, reservation in such cases being more dangerous than adventure.”<sup>53</sup> Eliot admired the wit of May and that the Chancellor of the Duchy always drew close attention when he arose is shown by the fact that the accounts of his speeches in different authorities differ very slightly.

The chief objections to giving made by the speakers on the other side were those which were summed up by Rich that grievances in religion were not redressed, that their enemy was not known, that the counsel was poor, that Parliament ought to have the chance to investigate the state of the King’s income, and finally that the question of impositions ought to be cleared up.<sup>54</sup> This last point was made because Charles had refused to sign the tonnage and poundage bill.

The points of Rich were taken up by a committee of both Lords and Commons, who made a new petition which was sent to the King. The reply to this was given by Buckingham. It was a reply marked by a certain winning frankness which makes it impossible to accuse Buckingham of insincerity. To the prejudiced this frankness approaches jauntiness in skimming surfaces and in evading real issues. But at least no accuser can find subtle deception in Buckingham’s arguments. His optimism about the success of continental affairs, hardly in accordance with the facts, is an optimism characteristic of him throughout his life. His assertion of consultations, formally and informally, with the Council of War and the King’s Council was quite true, even though the Council was a notoriously weak body and the king’s effort to brace up reputation through such council was as Dicey says “but an evidence of the weakness of the sovereignty.”<sup>55</sup> It was also quite true that the king was

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<sup>52</sup> N. P. II, 17.

<sup>53</sup> N. P. II, 28.

<sup>54</sup> N. P. II, 50.

<sup>55</sup> History of the Privy Council, p. 127.



"empty pocketed for the navy" after having supplied his friends and allies. Buckingham had given of his own money and borrowed from his friends for the kingdom's needs. It was, moreover, a fact never sufficiently emphasized by historians of this period that the value of money was not what public opinion supposed it to be, the coinage having not yet recovered from its debasement under Henry VIII, and for that reason the king never had the amount he appeared to have. Most characteristic of Buckingham's words and actions is his saying "better the fleet goe out and perish half then now not goe; for it would show want of Councill and experience in the design, want of courage in the execution, and would argue weakness and beagerie of the kingdom as not to able to go through with such design."<sup>56</sup>

In regard to the ships sent to France, Buckingham's saying "It is not at all time fit for kings to give accompt and counsels."<sup>57</sup> savors of impudence, but was not so intended.

The petition had said "yea but wher is the enemie?"

"My master gave me command to bid you name the enemie yourselves" was hardly a satisfactory answer, no more satisfactory than was the answer to the question "who gave Councill to meet" again when the plague was still raging. "The business itself and the necessitie of that gave that Councill."<sup>58</sup>

The speeches of May and of Naunton also ignored definite facts. May had already said that if they did not give posterity might rue it, reservation was more dangerous than adventure.<sup>59</sup> Weston, the Chancellor of the Exchequer, promised that if supply was given they should meet again in the winter to obtain redress of their grievances.

Heath was the one important speaker on the king's side not reported by Eliot. His speech in the Fawsley Papers was telling because he came straight across to the point. "The king's

<sup>56</sup> N. P. II, 68.

<sup>57</sup> N. P. II, 69.

<sup>58</sup> N. P. II, 71.

<sup>59</sup> N. P. II, 28.

estate, like a shippe, hath a great leak."<sup>60</sup> "The leak must be closed," he argued (regarding its cause). Sir John Coke gave an account of the King's obligations. Eliot says: "by infinit calculation and accompts was to confound the intelligenc of his hearers."<sup>61</sup> Then the debate of the 10th followed with full vigor. Philips made one of his great speeches. Seymour attacked the Duke directly and, on the next day, Shirland, a new speaker, admired by Eliot, spoke to the point. Precedence of supply before grievance was the center of these speeches. Philips, especially, emphasized the necessity of redress of grievance and of constant application of good counsels. Gardiner's assertion that feeling against Buckingham had not begun in this parliament is scarcely justified by the facts of these speeches. In his first speech of August 4th Philips had said, speaking of the ignorance and confusion of the people's mind in regard to foreign affairs, that "flattering councils of servants \* \* \* \* \* had betrayed him to the nets of (the Spaniards) those subtle, fox-like, artificial, faithless people;"<sup>62</sup> and again that "counsellis were there monopolized \* \* \* the whole wisdome was supposed to be comprehended in one man."<sup>63</sup> Seymour had also contrasted the ministers of the Stuarts with those of Elizabeth. "They are the men which bring this necessitie; that they have exhausted thus his treasures, spent his revenews."<sup>64</sup> Eliot, himself, in the speech given in the appendix to the Fawsley Papers but omitted in the *Negotium Posterorum*, blames not Buckingham but the Commissioners of the Navy.

In reply to the precedent argument about attack on bad counsel of the past May gave one of his epigrammatic speeches: "Let noe man dispise the presidents of antiquitie; noe man adore them. though they are venerable yet they are noe gods. examples are strong arguments, being proper, but times alter, & w<sup>th</sup> them oft, their reasons. everie parliament, as each man,

<sup>60</sup> Fawsley Debates: p. 18.

<sup>61</sup> N. P. II, 72.

<sup>62</sup> N. P. II, 32.

<sup>63</sup> N. P. II, 34.

<sup>64</sup> N. P. II, 25.

must be wise w<sup>th</sup> his owne wisdom, not his ffathers. a dramme of present wisdom is more pretious than mountaines of that w<sup>ch</sup> was practis'd in ould times."<sup>65</sup>

Eliot's two speeches on supply require some comment. The first was probably spoken on August 6th and is omitted in Eliot's own account because it did not represent his point of view when the narrative about the parliament was written. As has been said, Seymour and Philips had already criticized Buckingham for the waste of money and small profits gained by supply already given for the navy. Eliot, on the other hand, says: "but I dare, in my conscience, cleare and vindicate that noble Lord who hath had some aspirations laid upon him; and that if there hath been any abuse in the fleet it is not his fault, for there is a commission for the furnishing of this Navy \* \* \* and therefore, the Commissioners, if any, faultie."

The other topic of his speech is the same on which he enlarges in his famous supply speech of 1626, "yet God forbid wee should bee soe limited, that, upon whatsoever occasion, wee should give noe more \* \* \* God forbid that wee should denie his Majestie supplie if there bee cause."<sup>66</sup> Even believing in Buckingham's blamelessness, it must have taken some courage to say these words.

The other speech, of August 10th, Gardiner believes was prepared by Cotton and Eliot in common but was never spoken. A speech of Seymour's is put in its place. Gardiner gives two chief reasons for his conjecture: First, the speech is given as spoken in no other authority. Second, Weston's speech in reply addresses itself to the arguments of Seymour rather than to those of Eliot. He accounts for Eliot's comment: "this inflam'd the affection of the house & pitcht it wholie on the imitation of their ffathers" by a surmise that the speech was passed around in manuscript and so read by the members.<sup>67</sup>

I incline to the views of Forster and of Grosart that the speech

<sup>65</sup> N. P. II, 84.

<sup>66</sup> Fawsley Debates, App., p. 138.

<sup>67</sup> Fawsley Debates, Preface, xxi.

was delivered. Weston's phrase, "These disorders have not been in his Majestie's tyme"<sup>68</sup> refers far more evidently to the precedents quoted by Eliot than to anything in Seymour's speech. Also, Eliot's direct retort to May's epigrams: "'Tis true presidents are noe gods, yet some veneration they require. the honor of antiquitie is great, though it be not an idoll,"<sup>69</sup> shows a quick retort and connection. Moreover the attack on Buckingham does not seem to me either direct or severe or out of harmony with Eliot's defence of the Duke on the 6th day of August. Poor counsel had been much more severely arraigned by Seymour and by Philips. Finally the accounts of these last days vary so much in the list of speakers that little weight should be attached to the inclusion or omission of any particular speech in any account. The speech itself is not particularly vigorous or original. Eliot contrasts the ministers of James's early years trained by Queen Elizabeth with those of James' later days. He greatly overpraises Somerset. He refers to Coke's account of the state of the revenues as a disgrace—"all vasted and anticipated—exhausted from the people." The precedents quoted to show the abuse of ministers in earlier centuries, interspersed with numerous Latin quotations, by no means show the illumination of his great "three precedent" speech in 1626.<sup>70</sup> In short the descriptions and comments of Eliot in the *Posterorum* are of far more interest than are his speeches.

We have hinted at his sketches of individuals. It is fitting to close this study by quoting his characterization of the House as a whole, one example of that idealization of the Commons which underlies all his political ideas. The characterization is given in connection with the disorderly proceedings of one Clarke who criticised the House with "bitter invectives" for implying censure of Buckingham.<sup>71</sup> The man was made a prisoner kneeling before the bar. "This judgment, as their whole proceeding in like cases, is observable for their order. their gravitie is great in all

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<sup>68</sup> Fawsley Debates, 112.

<sup>69</sup> N. P. II, 91.

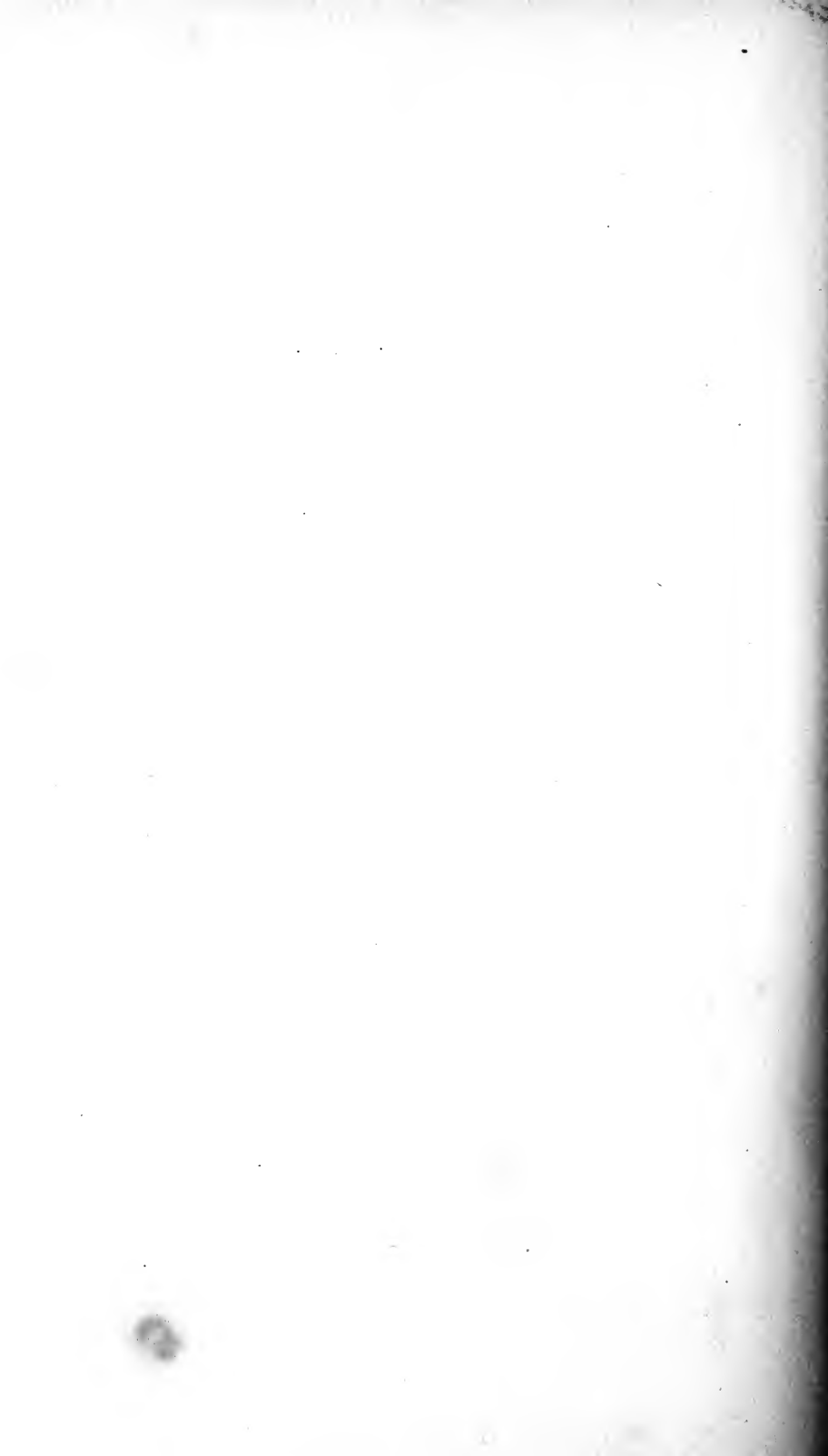
<sup>70</sup> Forster: Life of Sir John Eliot I. 511.

<sup>71</sup> N. P. II, 51.

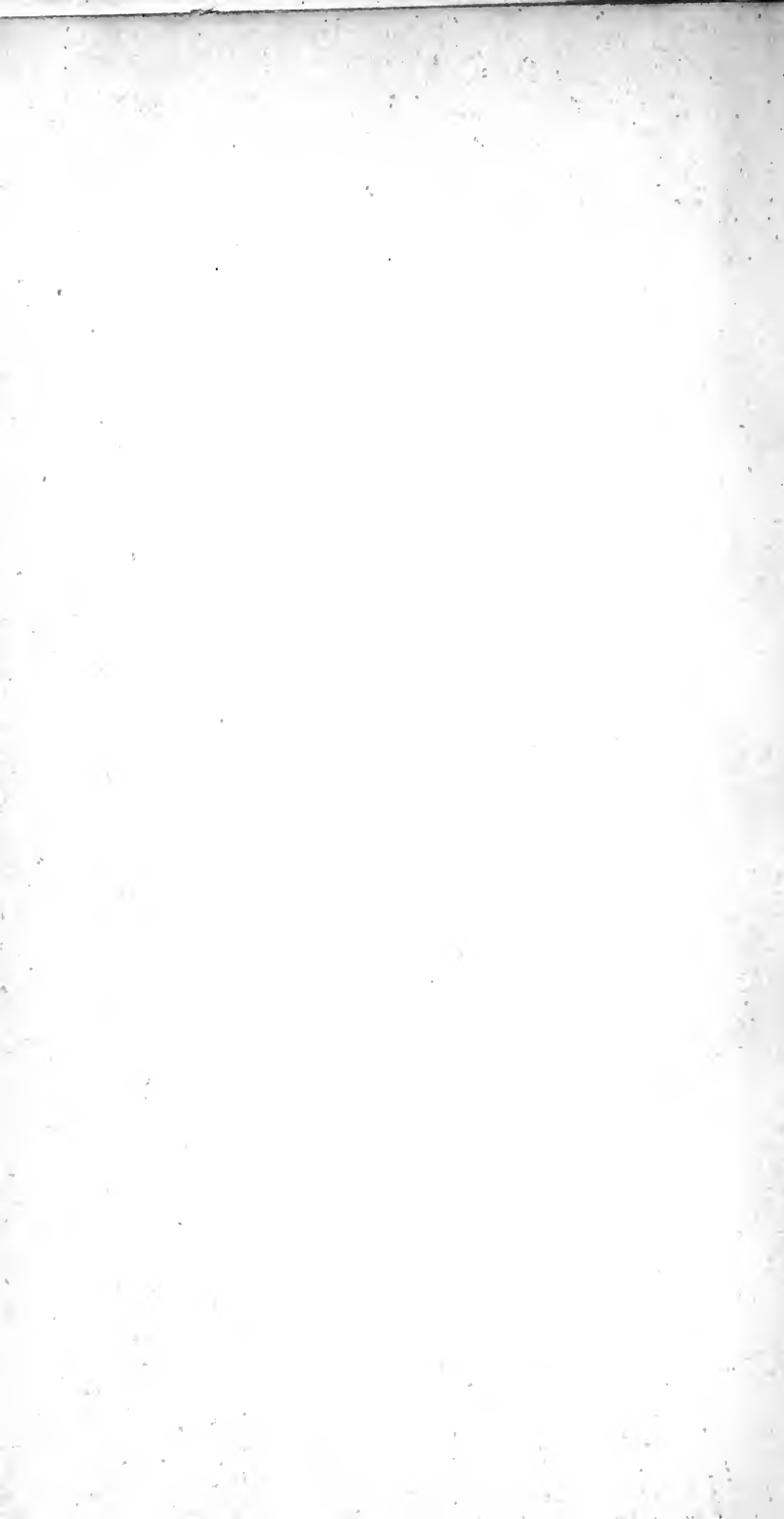
things, this more punctuallie does express it. \* \* \* \* noe personal touches are admitted in anie argument or dispute, noe cavills or exceptions nor anie member to be named or wher ther is contrarietie & dissent may ther be mention of the persons but by periphrasis & description. all bitterness is excluded from their dialect, all words of scandall & aspersion; noe man may be interrupted in his speech but for transgression of that rule, or breach of some other order of the house——; in all other things the privileg houlds throughout; the business, as the person has that freedom to pass quietly to the end; no disparate or odds makes a difference in that course; he that does first stand up, has the first liberty to be heard; the meanest burgess has as much favor as the best knight or counsellor, all sitting in one capacitie of Commoners, & in the like relation to their Countries.”<sup>72</sup>

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<sup>72</sup> N. P. II, 52.











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